



San Francisco Planning Department

949 MARKET STREET

Final Environmental Impact Report

00.965E

Draft EIR Publication Date: November 10, 2001

Draft EIR Public Hearing Date: December 13, 2001

Draft EIR Public Comment Period: November 10, 2001 - December 18, 2001

Final EIR Certification Date: March 7, 2002

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SAN FRANCISCO
CITY PLANNING COMMISSION
MOTION NO. 16358

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED RESIDENTIAL CONDOMINIUM BUILDING AT 949 MARKET STREET PROJECT.

MOVED, That the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case File No. 2000.965E, 949 Market Street Project (hereinafter "Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 et seq., hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
 - a. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on April 21, 2001.
 - b. On November 10, 2001, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.
 - c. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by the project sponsor on November 10, 2001.
 - d. On November 10, 2001, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.
 - e. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on November 10, 2001.

- 2) The Commission held a duly advertised public hearing on said DEIR on December 13, 2001 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on December 18, 2001.
- 3) The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 38-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period. This material was presented in a "Draft Comments and Responses" document published on February 22, 2002, was distributed to the Commission and to all parties who commented on the DEIR, and was available to others upon request at Department offices.
- 4) A Final Environmental Impact Report has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Draft Comments and Responses document all as required by law.
- 5) Project Environmental Impact Report files have been made available for review by the Commission and the public. These files are available for public review at the Department offices at 1660 Mission Street, and are part of the record before the Commission.
- 6) On March 7, 2002, the Commission reviewed and considered the Final Environmental Impact Report and hereby does find that the contents of said report and the procedures through which the Final Environmental Impact Report was prepared, publicized and reviewed comply with the provisions of CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.
- 7) The Planning Commission hereby does find that the Final Environmental Impact Report concerning File No. 2000.965E: 949 Market Street Office Development Project reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Draft Comments and Responses contains no significant revisions to the DEIR, and hereby does CERTIFY THE COMPLETION of said Final Environmental Impact Report in compliance with CEQA and the CEQA Guidelines.
- 8) The Commission, in certifying the completion of said Final Environmental Impact Report, hereby does find that the proposed project described in the Environmental Impact Report and as preferred by the project sponsor would not have any unavoidable significant environmental impacts that could not be mitigated to a less than significant level.

CITY PLANNING COMMISSION

File No. 2000.965E
949 Market Street Project
Assessor's Block 3704, Lots 71
Motion No. 16358
Page Three

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of March 7, 2002.

Linda Avery
Commission Secretary

AYES: Commissioners Baltimore, Chinchilla, Fay, Joe, Theoharis, Salinas

NOES: None

ABSENT: Lim

ADOPTED: March 7, 2002

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CHAPTER I

SUMMARY

A. PROJECT DESCRIPTION (p. 11)

The project site (Lot 71 in Assessor's Block 3704) is located at 949-961 Market Street in downtown San Francisco, on the south side of Market Street between Fifth and Sixth Streets. The project site has frontages on both Market Street to the north and Stevenson Street to the south. The nearly 23,400-square-foot project site is entirely occupied by a vacant two-wing structure (approximately 44,000 square feet), that once housed the former St. Francis Theater (originally the Empress Theater) to the rear of the site and six retail spaces facing Market Street.

The project would consist of demolition of the existing building and construction of a new 12-story-plus-basement, mixed-use 119-foot-tall building. The new structure would include a double-height retail space along Market Street with approximately 7,300 gross square feet (gsf), above which would be ten stories of residential space totaling approximately 172,400 gsf. A lobby of approximately 1,400 gsf, flanked by two retail spaces, would be accessible directly from Market Street. The building would also contain 13,000 gsf of storage and other space. In total, including all accessory space and parking, the project would create nearly 241,200 gsf.

The proposed building would provide a total of 152 residential units (at least 10 percent of which would be below-market-rate “affordable” units) on the third through twelfth floors, including 92 one-bedroom units, 40 two-bedroom units, and 20 studios. Private balconies would be provided for each dwelling unit.

Vehicles would enter the project garage via Stevenson Street, which would provide a total of 158 parking spaces (including six handicap spaces) on the basement, ground, and second levels. The garage would also include one ground-floor loading space. The existing site has no parking or loading spaces.

The proposed building's facade, which would extend to the site's property lines, would be composed of smooth finished plaster, limestone, and glass. The building's massing would incorporate a classical tripartite proportioning system with a base, middle, and top that, according to the project architect, draws from the Bay Regia, International Style, and Art Deco architectural styles.

The existing building on the project site is constructed of steel, brick, timber, and concrete. Built in 1910, but remodeled through alterations beginning in 1925, the structure is identified by the San Francisco Planning Department in the *Downtown Plan* as a Category V (Unrated) building, meaning that it is not Significant or Contributory and is not subject to Article 11 of the Planning Code. The building was rated “B” (Major Importance) by San Francisco Architectural Heritage and has a rating of 3S

(appears eligible for separate listing for the *National Register of Historic Places*) on the Historic Properties listing of the State Office of Historic Preservation.

The project's floor area ratio (FAR) would be 9:1, which exceeds the basic permitted FAR in the C-3-G District (without transfer of development rights to the site) of 6:1, but with the transfer of development rights would be within the allowable maximum FAR of 9:1. Project construction, including demolition of the existing building, would take approximately 18 months, with the proposed building opening planned for summer 2003.

B. ENVIRONMENTAL EFFECTS

This environmental impact report for the 949 Market Street project focuses on the issues of historic architectural resources, shadow, wind, and transportation. The historic architectural resource issue relates to the proposed demolition of the former St. Francis Theater (originally the Empress Theater) constructed in 1910. The shadow issue relates to the potential for the proposed 12-story structure to cast new shadow on either Hallidie Plaza or Boeddecker Park. The wind issue relates to the potential for the project to create new exceedances of the Planning Code-established pedestrian-comfort or hazard criteria. The transportation issue relates to the potential for project-generated vehicle trips to contribute to traffic congestion at nearby intersections. All other potential environmental effects were found to be at a less-than-significant level or to be mitigated to a less-than-significant level with mitigation measures to be implemented by the project sponsor. (Please see the Initial Study, included in this document as Appendix A, for analysis of issues other than historic architectural resources, shadow, wind, and transportation.)

HISTORIC ARCHITECTURAL RESOURCES (p. 28)

The proposed project would result in the demolition of the existing 949-961 Market Street building. The 949-961 Market Street building has been given the following historical ratings: Office of Historic Preservation state historic resource inventory, 3S (appears eligible for separate listing on the *National Register of Historic Places*); San Francisco Architectural Heritage, B (Major Importance); Article 11, San Francisco Downtown Plan, V (unrated); and the 1976 Citywide Survey, 0 (average significance).

Because no study had been conducted to determine if the property is eligible for listing in the *National Register of Historic Places* (National Register) or the *California Register of Historic Places* (California Register), the independent architectural firm of Page and Turnbull conducted its own analysis of the project site and determined that the 949-961 Market Street building would not be eligible for listing in the National Register or the California Register. The historic resources report found that the property does have close links with "broad patterns of local history" (Criterion A) due to its historical importance as a premiere theatre and entertainment complex in downtown San Francisco and was "associated with the lives of persons significant in our past" (Criterion B) due to Sid Grauman's affiliation with the theater. The building was found to have originally embodied the characteristics of "a type, period, and method of construction" and it may be argued that it once represented the "work of a master" and

possessed “high artistic value” (Criterion C). However, due to alterations that took place beginning in 1925 and subsequently in 1968, the building no longer possesses sufficient integrity in terms of its periods of significance for eligibility for listing in the National Register or the California Register.

As such, the 949-961 Market Street building does not meet the definition of an historical resource under the California Environmental Quality Act (CEQA) and therefore its demolition would not be considered a significant adverse environmental effect.

TRANSPORTATION (p. 45)

The project would generate about 2,343 net new person trips per day, with a total of about 314 net new person trips during the p.m. peak hour, of which about 47 would be vehicle trips, 136 would be transit trips, and the remaining 112 trips would be walking trips or by other modes such as bicycle, motorcycle, and taxi.

Six of the seven study intersections (Market/Fifth, Market/Sixth, Mission/Fifth, Mission/Sixth, Stevenson/Fifth, Stevenson/Sixth and Sixth/Howard) currently operate at acceptable (LOS C or better) service levels during the p.m. peak hour. Five of the study intersections operate at LOS C (Mission/Fifth, Market/Sixth, Stevenson/Sixth, Mission/Sixth, and Howard/Sixth), one operates at LOS B (Stevenson/Fifth), and one operates at LOS D (Market/Fifth). With the addition of project traffic (47 p.m. peak-hour vehicle trips), operating conditions would worsen from existing conditions at two of the study intersections. Conditions would decrease from LOS C to LOS D at the intersections of Mission/Fifth and Howard/Sixth Streets, but would remain acceptable. Additional delays of more than just over one second would occur at these intersections.

Under cumulative (2015) traffic conditions, intersection levels of service would deteriorate from acceptable to unacceptable levels at four intersections. Conditions at three of the four intersections would deteriorate to LOS E, including Mission/Sixth and Howard/Sixth (both of which currently operate at LOS C) and Market/Fifth (which currently operates at LOS D). In addition, the intersection of Mission/Fifth would deteriorate from LOS C to LOS F. The remaining three study intersections would continue to operate at acceptable levels, although conditions would deteriorate from LOS C to LOS D at Market/Sixth and from LOS B to LOS C at Stevenson/Fifth. The intersection of Stevenson/Sixth would remain at LOS C under cumulative conditions. Of the four intersections that would deteriorate to unacceptable levels of service, the project would contribute no more than 3.7 percent to the increased traffic volumes. As such, all four of these intersections would fail under cumulative conditions with or without traffic generated by the proposed project and the project’s contribution to conditions at those intersections would be considered less-than-significant.

The project would generate approximately 136 net new p.m. peak-hour transit (chiefly MUNI) trips, dispersed over the 25 MUNI routes that serve the project area. Project transit ridership would incrementally increase p.m. peak-period capacity utilization on the MUNI bus and rail lines that serve the project area by roughly 2 percent and would not be significant. The proposed project would be

subject to the Transit Impact Development Fee, a one-time fee assessed against projects to offset increased capital costs to MUNI to provide additional capacity to serve the increased transit demand from new development.

The project would create a parking demand for about 203 spaces, of which 158 would be provided for in the garage levels of the project building. The project's 158 parking spaces would be 45 spaces less than the parking demand created by the project. Given the existing parking conditions in the area and the uncertainty of future supply, it would be likely that the project's shortfall of 45 spaces could be met through the use of available study area parking spaces. Thus, the project would not result in a significant impact associated with parking.

The proposed project would provide an off-street loading area that would accommodate one service vehicle or delivery van. The proposed loading space would meet the minimum dimensions as required by the Planning Code, but would not meet Code requirements for a direct connection to a freight elevator (Section 155(1)(f)). Thus, the sponsor would be required to seek a variance to Section 155(1)(f).

The project would generate a loading demand for less than one space during an average hour and during the peak hour of loading activities. As such, the loading area would meet the anticipated demand for loading spaces and the project would not result in a significant impact associated with loading facilities.

Primary pedestrian access for the proposed project would be on Market Street. Pedestrian flow conditions on the Market Street sidewalk in front of the building would be expected to remain similar to existing "moderate" conditions, and would not be substantially affected by the proposed project. The proposed project would result in an increase in bicycle activity in the area. This increase would not be substantial enough to result in crowded or hazardous conditions for bicycle travel in the area. While the proposed project would result in additional vehicular traffic entering and exiting on Stevenson Street, no substantial conflicts between these vehicles and pedestrians or bicyclists have been identified.

During the projected 18-month construction period, temporary and intermittent traffic and transit impacts would result from truck movements to and from the project site. Construction staging would occur on-site and construction truck haul routes would be on Market and Mission Streets, and South Van Ness Avenue to I-80/US 101. Construction could require full-time closures of sidewalks or streets adjacent to the project site. Limiting truck movements to the hours of 5:00 a.m. to 7:00 a.m. and 9:00 a.m. to 3:30 p.m. (or other times, if approved by Department of Parking and Traffic) would minimize disruption of the general traffic flow on adjacent streets during the a.m. and p.m. peak periods.

To accommodate construction staging, it may be necessary to close the north side of the sidewalk of Stevenson Street and temporarily limit parking on the south side of the alley. The project sponsor would meet with MUNI, Department of Parking and Traffic, and other responsible agencies to coordinate construction activities so as to minimize construction impacts on vehicular and pedestrian traffic. Parking of construction workers' vehicles could temporarily increase occupancy levels in off-street

parking lots or on-street spaces if not all of them could be accommodated on the project site. Construction impacts would be temporary, and would not be significant.

In summary, the project would not result in a significant impact on traffic, transit, circulation, or parking.

WIND (p. 51)

Average wind speeds in the vicinity of the project site are just over 11 miles per hour (mph). Wind speeds in pedestrian areas range from 6 mph to 16 mph. Eleven of the 22 wind test locations meet the Planning Code's pedestrian-comfort criterion value of 11 mph under existing conditions. Wind speeds of 14 mph or more occur at six of the 22 locations: on Market Street (three locations), Sixth Street (two locations), and Mason Street (one location). The highest wind speeds in the vicinity occur west of the project site, where the north side of Stevenson Street meets the east side of Sixth Street. The Planning Code's wind hazard criterion (26 mph) is currently exceeded at that location for a total of two hours per year.

Under project conditions, the average wind speed for all 22 test points would be equally windy; average wind speeds would increase by almost 1 mph to nearly 12 mph. Wind speeds in pedestrian areas would range from 9 mph to 16 mph. Half of the 22 test locations would meet the Planning Code's pedestrian-comfort criterion of 11 mph. Eleven exceedances would continue to exist under project conditions, with one existing exceedance eliminated (at the intersection of Mason, Turk and Market Streets) and one new exceedance created (at the intersection of Mason, on the north side of Market Street).

Overall, wind speeds would increase at 12 locations, remain unchanged at eight locations, and decrease at two locations. The highest wind speeds in the vicinity would continue to occur west of the project site, where the north side of Stevenson Street meets the east side of Sixth Street. However, with the project, the Planning Code's wind hazard criterion would be met at that point compared to existing conditions. While the proposed project would reduce one of the pedestrian comfort criterion exceedances (and would add a new exceedance) as well as eliminate the existing wind hazard exceedance, the project would not eliminate all existing pedestrian comfort criterion exceedances. As such, the project would require approval by the Planning Commission for an exception (as provided for in Planning Code Section 309) from the requirement of Planning Code Section 148 that a proposed building reduce pre-existing wind speed exceedances to meet the pedestrian comfort criterion requirements. In light of above, the proposed project's effects on wind conditions would not be significant.

SHADOW (p. 53)

Project-generated shadow would cover the north sidewalk on Market Street between Sixth and Fifth Streets at various times before noon, year-round. Under existing conditions, the north sidewalk is partially in sunlight at these times, except on the winter solstice when the longer shadows cover nearly all of the Market Street sidewalks. In addition, project-generated shadow would cover an approximately 150-foot-long segment of the south sidewalk adjacent to the project site, currently in partial sunlight,

before noon on the summer solstice. However, the additional shadow would occur only before noon, after which conditions within the vicinity of the project site would remain unchanged from the existing conditions throughout the late afternoon. The increased shadow coverage would be limited in duration, especially in the spring and summer, and therefore would not substantially affect the perceived quality of sunlight access within the project vicinity or the perceived physical comfort of pedestrians. None of the sidewalk areas that would be affected by the project accommodate temporary or permanent seating. Further, the proposed project would not result in additional shadow on any public open space subject to Planning Code Sections 147 or 295. As a result, the increase in shadow due to the project would not be considered a significant impact.

C. AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

The primary area of controversy associated with the proposed project concerns the proposal to demolish the former St. Francis Theater (originally the Empress Theater) constructed in 1910. The building is rated as potentially eligible for listing on the *National Register of Historic Places* by the State Office of Historic Preservation. The Planning Commission will decide whether to approve or disapprove the proposed project after review and certification of the EIR. In selecting or rejecting project alternatives, decision makers may also use other information in the public record.

D. MITIGATION AND IMPROVEMENT MEASURES (p. 62)

MITIGATION MEASURES

CONSTRUCTION AIR QUALITY

- The project sponsor shall require the contractor(s) to sprinkle exterior demolition sites with water during demolition, excavation, and construction activity; sprinkle unpaved exterior construction areas with water at least twice per day, or as necessary; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soil, sand, or other such material; and sweep surrounding streets during demolition and construction at least once per day to reduce particulate emissions. Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor would require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose.

GEOLOGY

- Geotechnical investigations by a California-licensed geotechnical engineer are included as part of the project. The project sponsor and contractor would follow the recommendations of the final geotechnical report(s) regarding any excavation and construction for the project. The project sponsor would ensure that the construction contractor conducts a pre-construction survey of existing conditions and monitors adjacent building(s) for damage during construction.

HAZARDS

- To ensure that workers and the public are not exposed to any potential hazardous materials that may exist in the soil to be disturbed, the construction contractor would ensure that workers who are exposed to soil contact take appropriate safeguards, such as wearing rubber gloves, and other safeguards as may be deemed necessary by DPH. In addition, the contractor would ensure that soil disturbed through construction activities be contained within the immediate area by means such as washing workers' shoes and washing earthmoving equipment (using recycled water as described in Mitigation Measure A.1) prior to workers and equipment leaving the area of soils disturbance. Other dust control measures included in Mitigation Measure A.1 would also serve to prevent the dispersion of potentially contaminated soil.
- The project sponsor would ensure that building surveys for polychlorinated biphenyls-containing equipment (including elevator equipment), fluorescent light ballasts, electrical generators, hydraulic oils, and lead-based paint are performed prior to the start of renovation. Hazardous materials discovered during these surveys would be abated according to federal, State, and local laws and regulations. Asbestos-containing materials would be removed and disposed of or encapsulated prior to demolition of the building. Interior friable asbestos-containing materials and any non-friable materials that may be rendered friable would be removed with proper engineering controls designed to prevent fiber release prior to demolition. All asbestos abatement and encapsulation procedures would be performed in accordance with applicable federal and State guidelines. Following removal, friable asbestos containing construction materials must be transported with a uniform hazardous waste manifest to a Class I landfill, or, in small quantities to an approved household hazardous waste transfer station. Equipment identified as containing polychlorinated biphenyls (PCB) oils would be removed and properly disposed. Demolition activities that disturb exterior surfaces containing lead-based paint would comply with Chapter 36 of the San Francisco Building Code for the identification, safe work practices, proper removal methods, and notification.

ARCHAEOLOGICAL RESOURCES

- Should evidence of archaeological resources of potential significance be found during ground disturbance, the project sponsor shall immediately notify the Environmental Review Officer (ERO) and shall suspend any excavation that the ERO determined could damage such archaeological resources. Excavation or construction activities that might damage discovered cultural resources would be suspended for a total maximum of four weeks over the course of construction.

After notifying the ERO, the project sponsor shall select an archaeologist to assist the Office of Environmental Review in determining the significance of the find. The archaeologist would prepare a draft report containing an assessment of the potential significance of the find and recommendations for what measures should be implemented to minimize potential effects on archaeological resources. Based on this report, the ERO would recommend specific additional mitigation measures to be implemented by the project sponsor.

Mitigation measures might include a site security program, additional on-site investigations by the archaeologist, and/or documentation, preservation, and recovery of cultural materials. Finally, the archaeologist would prepare a draft report documenting the cultural resources that were

discovered, an evaluation as to their significance, and a description as to how any archaeological testing, exploration, and/or recovery program was conducted.

Copies of all draft reports prepared according to this mitigation measure would be sent first and directly to the ERO for review. Following approval by the ERO, copies of the final report(s) would be sent by the archaeologist directly to the President of the Landmarks Preservation Advisory Board and the California Archaeological Site Survey Northwest Information Center. Three copies of the final archaeology report(s) shall be submitted to the Office of Environmental Review, accompanied by copies of the transmittals documenting distribution to the President of the Landmarks Preservation Advisory Board and the California Archaeological Site Survey Northwest Information Center.

IMPROVEMENT MEASURES

HISTORICAL RESOURCES

- Prior to the demolition of the 949-961 Market Street building, the project sponsor would employ an architectural historian to submit two copies each of documentation of the building's history, along with photographs and modified-format Historic American Building Survey drawings of the building, to the President of the Landmarks Preservation Board, the Environmental Review Officer, the History Room of the San Francisco Public Library (Main Library), the Northwest Information Center, and the California Historical Society.

TRANSPORTATION

- The project sponsor would restrict project-related construction truck traffic to the hours between 5:00 a.m. and 7:00 a.m. and between 9:00 a.m. to 3:30 p.m., or other hours if approved by the Department of Parking and Traffic (DPT), which would avoid peak-period effects on traffic and transit, and to prohibit staging or unloading of equipment during the periods of 7:00 a.m. to 9:00 a.m. and 3:30 p.m. to 6:00 p.m. The project sponsor has agreed to meet with MUNI, DPT, and other responsible agencies to coordinate construction activities so as to minimize construction impacts on traffic (vehicular and pedestrian).

E. ALTERNATIVES TO THE PROPOSED PROJECT (p. 67)

ALTERNATIVE A: NO PROJECT

This alternative would entail no change to the site, which would remain in its existing condition. The existing 949-961 Market Street building would not be demolished, and no housing or retail space would be constructed.

This alternative would not result in immediate demolition of the 949-961 Market Street building. As described in Section III.B, Historic Architectural Resources, the 949-961 Market Street building must, under the City's Unreinforced Masonry Building (UMB) Ordinance, be retrofitted by 2004, or be demolished. Any subsequently proposed demolition would be subject to separate environmental review.

However, upgrading pursuant to the UMB Ordinance in and of itself does not typically trigger CEQA review.

Unless the 949-961 Market Street building were upgraded to accommodate other tenants, this alternative would not result in any increase in travel to and from the project site, nor would it cast additional shadows on nearby sidewalks, or incrementally change wind speeds in the vicinity. Effects on visual quality associated with increased building height would not occur. While the existing building lacks sufficient integrity to be deemed a historical resource for purposes of CEQA, this alternative would result in the retention of a building, however unsympathetically altered, that was originally designed by a master architect.

This alternative would not cause any of the impacts described in the Initial Study, such as noticeable increases in on-site population and incremental increases in operational noise and public services demand. Additionally, unless the building were upgraded to accommodate other tenants pursuant to the UMB Ordinance, there would be no temporary construction impacts, such as noise, dust and construction traffic.

The No Project Alternative would be environmentally superior to the proposed project, at least over the near term, because it would avoid the environmentally less-than-significant impacts of the proposed project, including immediate demolition of the 949-961 Market Street building. However, the No Project Alternative would not meet any of the project sponsor's objectives.

ALTERNATIVE B: PRESERVATION ALTERNATIVE

Under the Preservation Alternative, the existing 949-961 Market Street building would be minimally altered to accommodate retail and residential use and structurally upgraded to meet Building Code requirements for Unreinforced Masonry Buildings (UMBs). Seismic retrofitting would be undertaken consistent with the UMB Retrofit Architectural Design Guidelines.

Under the Preservation Alternative, the retail space (approximately 7,300 square feet) fronting on Market Street would remain. The Market Street facade would be restored in a manner consistent with the original design intentions of John Galen Howard. That is, the marquee/signage would be removed, and the window glazing, mullions, and pilasters would be restored.

The former theater space fronting Stevenson Street would be renovated and converted to approximately 38 residential units. New window openings would be provided along the Stevenson Street facade, which is currently void of openings with the exception of several emergency doors. Skylights and common open space would be provided on the roof of the existing building. Off-street parking would be provided on one subterranean level, accessible from Stevenson Street.

The Preservation Alternative would avoid the less-than-significant impacts of the proposed project resulting from demolition of the 949-961 Market Street building. While not a historical resource under

CEQA due to its lack of integrity, the existing John Galen Howard-designed building would be retained and restored to the extent feasible, while accommodating new uses.

Because this alternative would result in less floor area than under the proposed project, transportation and air quality impacts would be incrementally less severe than with the proposed project; these effects would be less-than-significant, as with the proposed project. Shadow and wind effects, also less-than-significant with the proposed project, would not occur under this alternative, because there would be no change to the existing building envelope. Visual quality effects would lessen, compared to the proposed project, as there would be no change to the existing building height.

Temporary construction impacts associated with the proposed project, such as noise, dust, and construction traffic, would still occur under this alternative because construction activities would take place at the 949-961 Market Street site, but would be incrementally less severe than the less-than-significant impacts of the proposed project, because substantially less demolition work would occur. Hazardous building materials would likely be removed as part of a UMB upgrade, similar to conditions with the proposed project.

The Preservation Alternative would be environmentally superior to the proposed project, because it would reduce the impacts of the immediate demolition of the 949-961 Market Street building and would result in fewer and less intensive effects associated with a smaller development. However, the Preservation Alternative would not meet or would partially meet some of the project sponsor's objectives as a result of providing fewer than 152 residential units, not replacing the existing building with a seismically safer structure, providing a lesser return on investment, and contributing to a lesser degree to enhancing the vitality of the Mid-Market area (due to the fewer number of new residents that would be on the site).

CHAPTER II

PROJECT DESCRIPTION

A. SITE LOCATION AND PROJECT CHARACTERISTICS

The project site (Lot 71 in Assessor's Block 3704) is located at 949-961 Market Street in downtown San Francisco, on the south side of Market Street between Fifth and Sixth Streets (see Figure 1). The project site has frontages on both Market Street to the north and Stevenson Street to the south. The nearly 23,400-square-foot project site is entirely occupied by one two-wing structure, the former St. Francis Theater (originally the Empress Theater) to the rear of the site (south wing) and a former commercial building (north wing) that contains six retail spaces facing Market Street, that together consist of approximately 44,000 square feet of vacant retail and theater space. The project site is located within a C-3-G (Downtown General-Commercial) District and a 120-X Height and Bulk District.

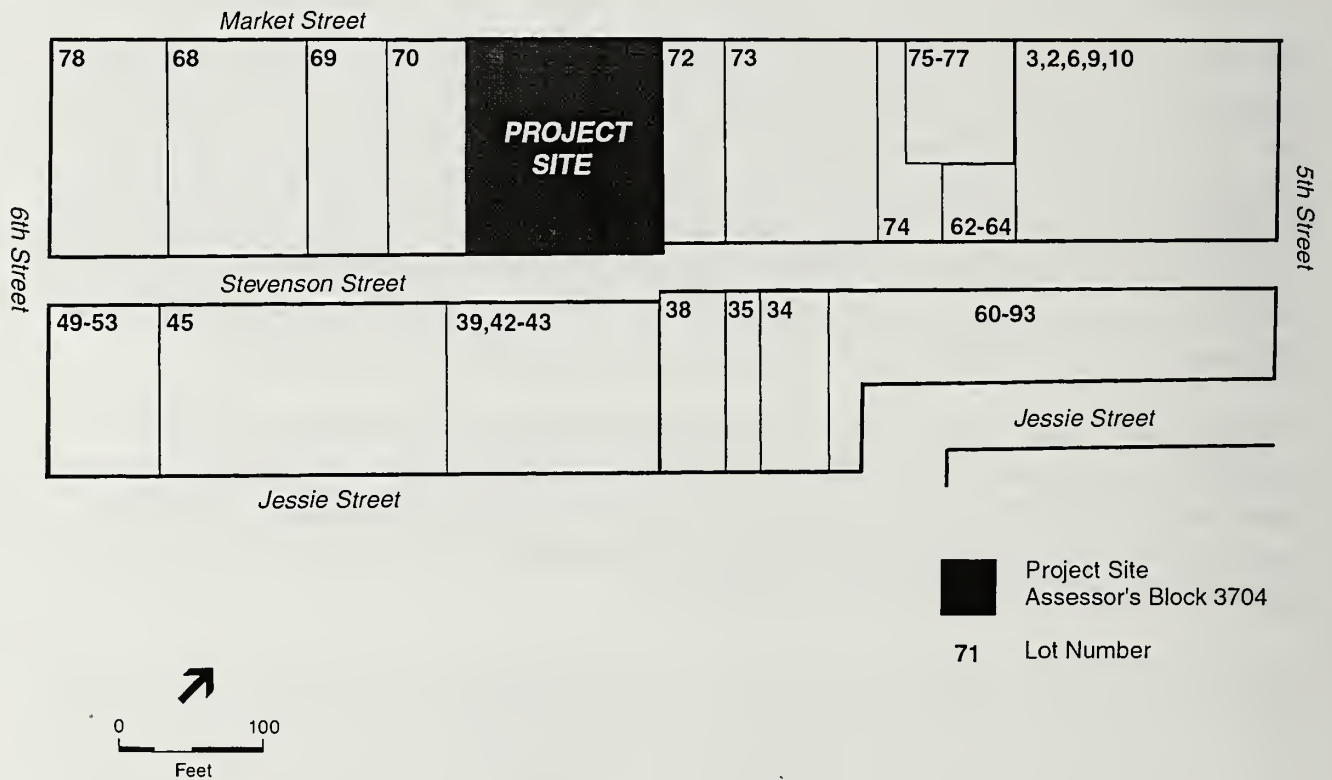
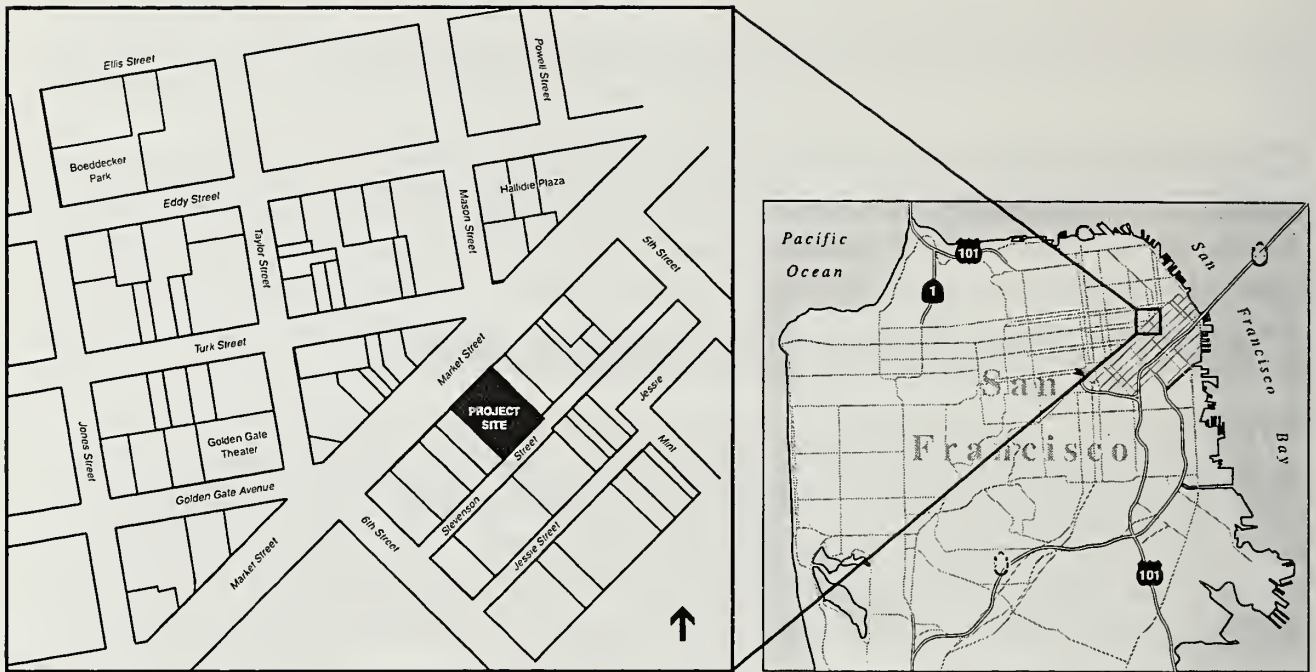
The project would consist of demolition of the existing building and construction of a new twelve-story-plus-basement, mixed-use 119-foot-tall¹ building. The new structure would include a double-height retail space along Market Street with approximately 7,300 gross square feet (gsf) above which would be ten stories of residential space totaling approximately 172,400 gsf. A lobby of approximately 1,400 gsf would be accessible directly from Market Street. The building would also contain 13,000 gsf of storage and other space.² In total, including all accessory space and parking, the project would create nearly 241,200 gsf. At a height of 119 feet, the proposed structure would be 53 to 79 feet taller than the existing building (40 feet tall facing Market Street and 66 feet tall facing Stevenson Street) currently on the project site.

Building occupants and guests would enter the proposed building from Market Street into a lobby flanked by two retail spaces, one of approximately 3,350 gsf to the west of the main entrance and one of approximately 3,950 gsf to the east (see Figure 2, Site Plan). Access to the residences on the floors above would be provided by two elevators located within the lobby. A private security/concierge desk would be located behind the elevators in the lobby area.

The proposed building would provide a total of 152 residential units (at least 10 percent of which would be below-market-rate “affordable” units) on the third through twelfth floors (see Figures 3 through 8 for floor plans and elevations). The building would include 92 one-bedroom units, 40 two-bedroom units, and 20 studios, with units ranging in size from approximately 800 gsf to 1,700 gsf. Private open space, provided in the form of balconies averaging 36 gsf, would be provided for each dwelling unit.

¹ The roof line of the proposed project would be at 119 feet. Mechanical equipment screened behind a parapet would extend to between 127 feet (Market Street elevation) and 135 feet (Stevenson Street elevation), with the additional 8 to 16 feet exempted from the height limit by Planning Code Section 260(b)(1)(A).

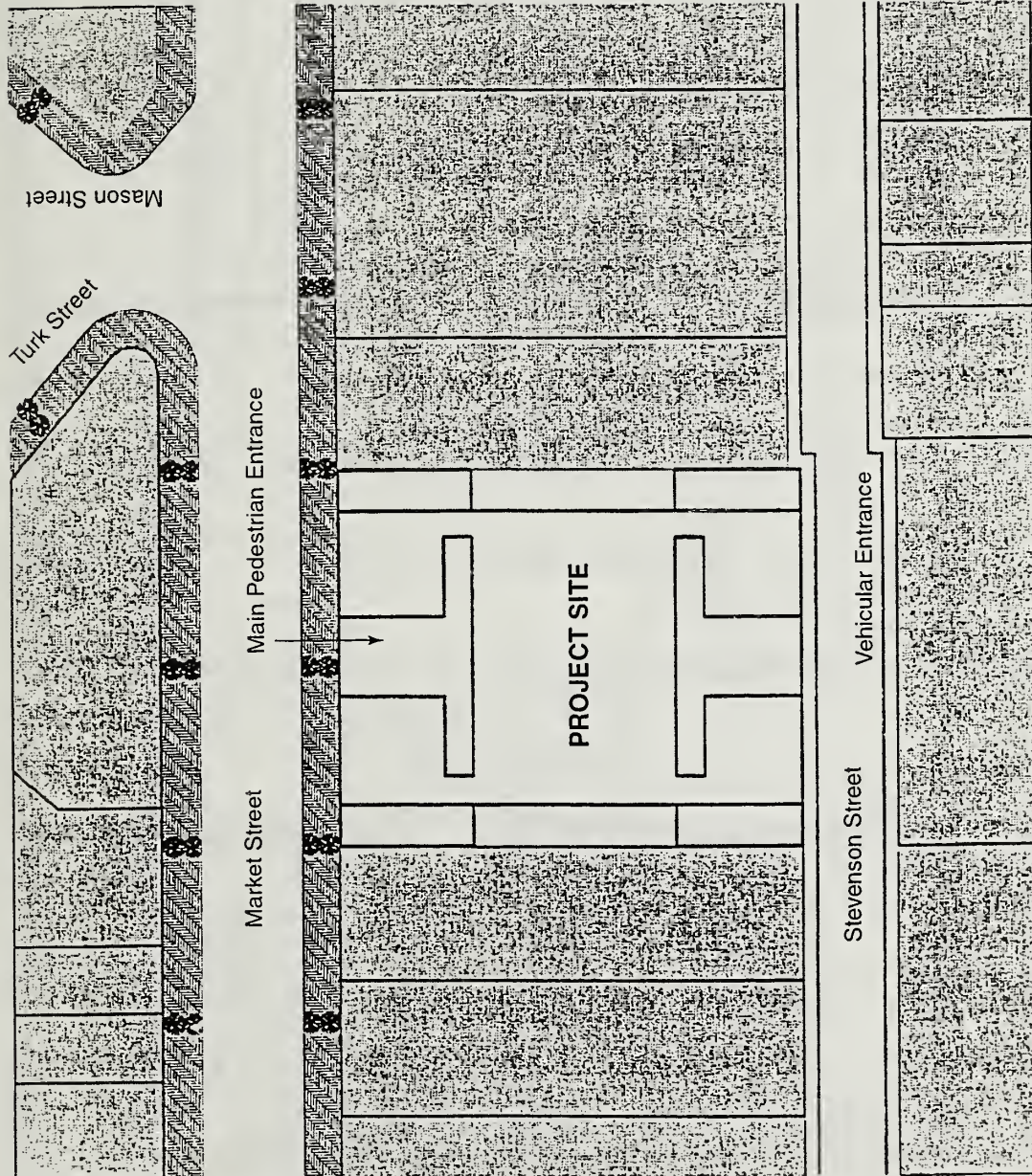
² The 13,000 sq. ft. of “storage and other space” includes mechanical equipment, stairwells, elevator shafts, open space, etc.

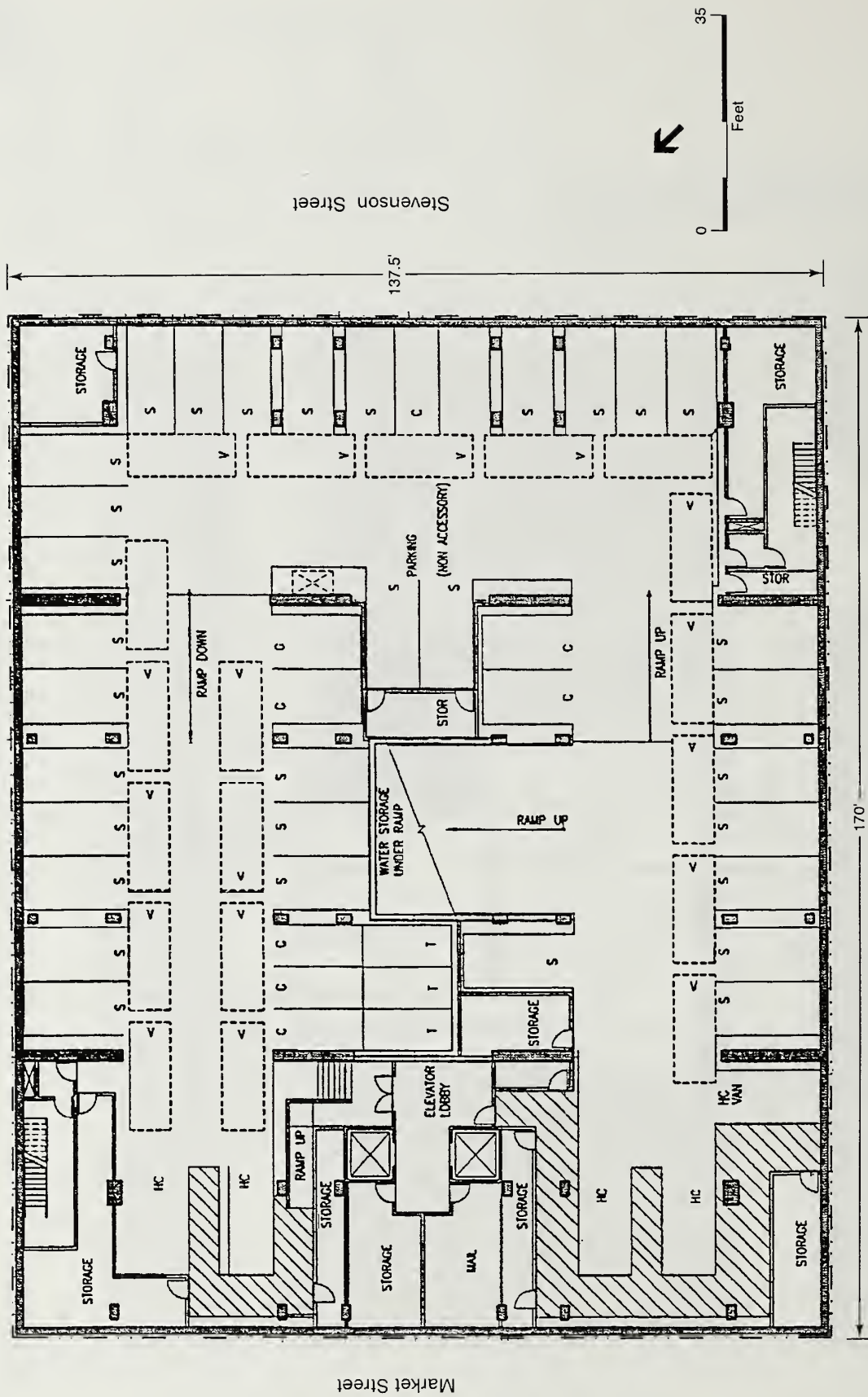


SOURCE: Environmental Science Associates

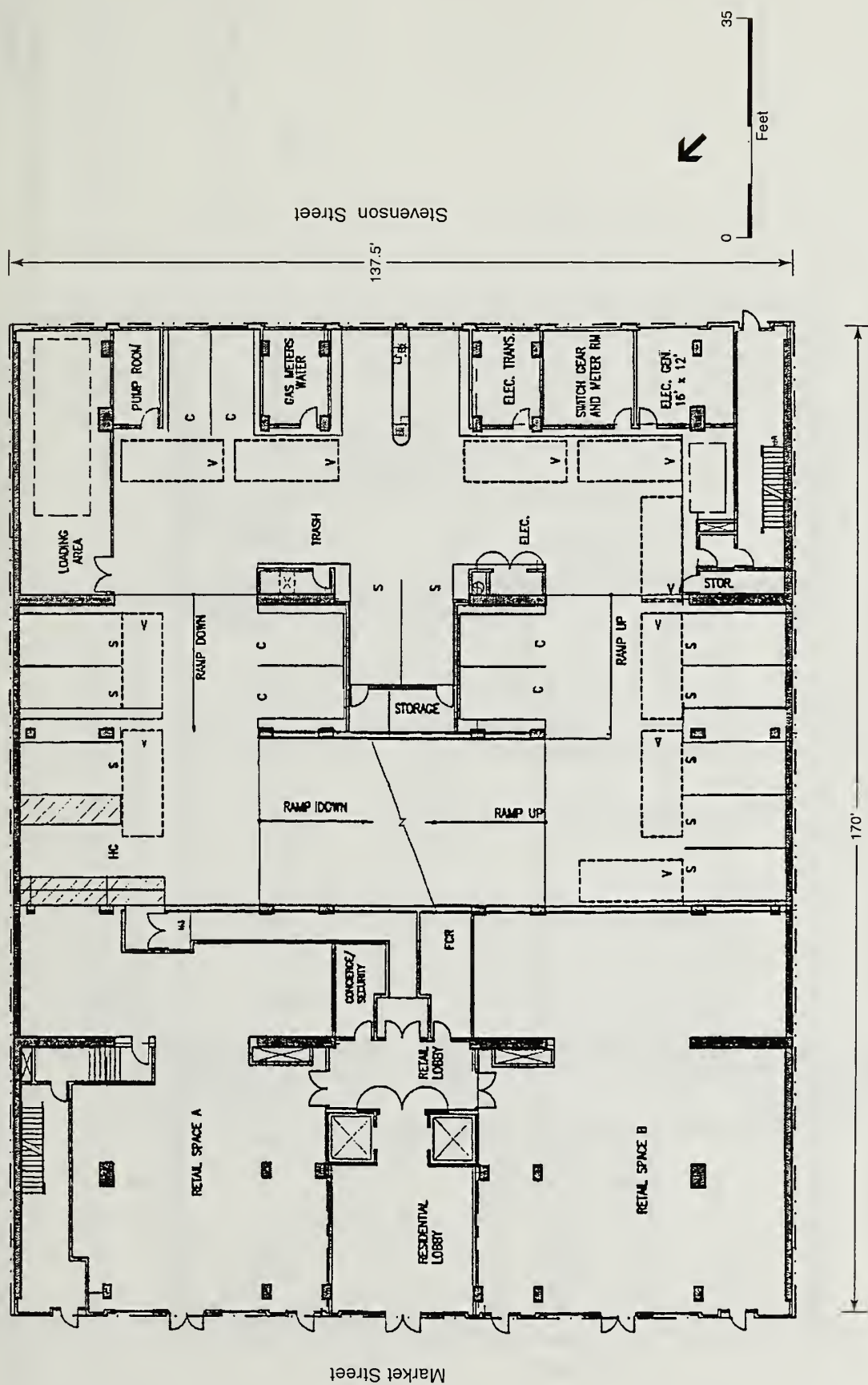
Case No. 2000.965E: 949 Market Street (ESA 200605) ■

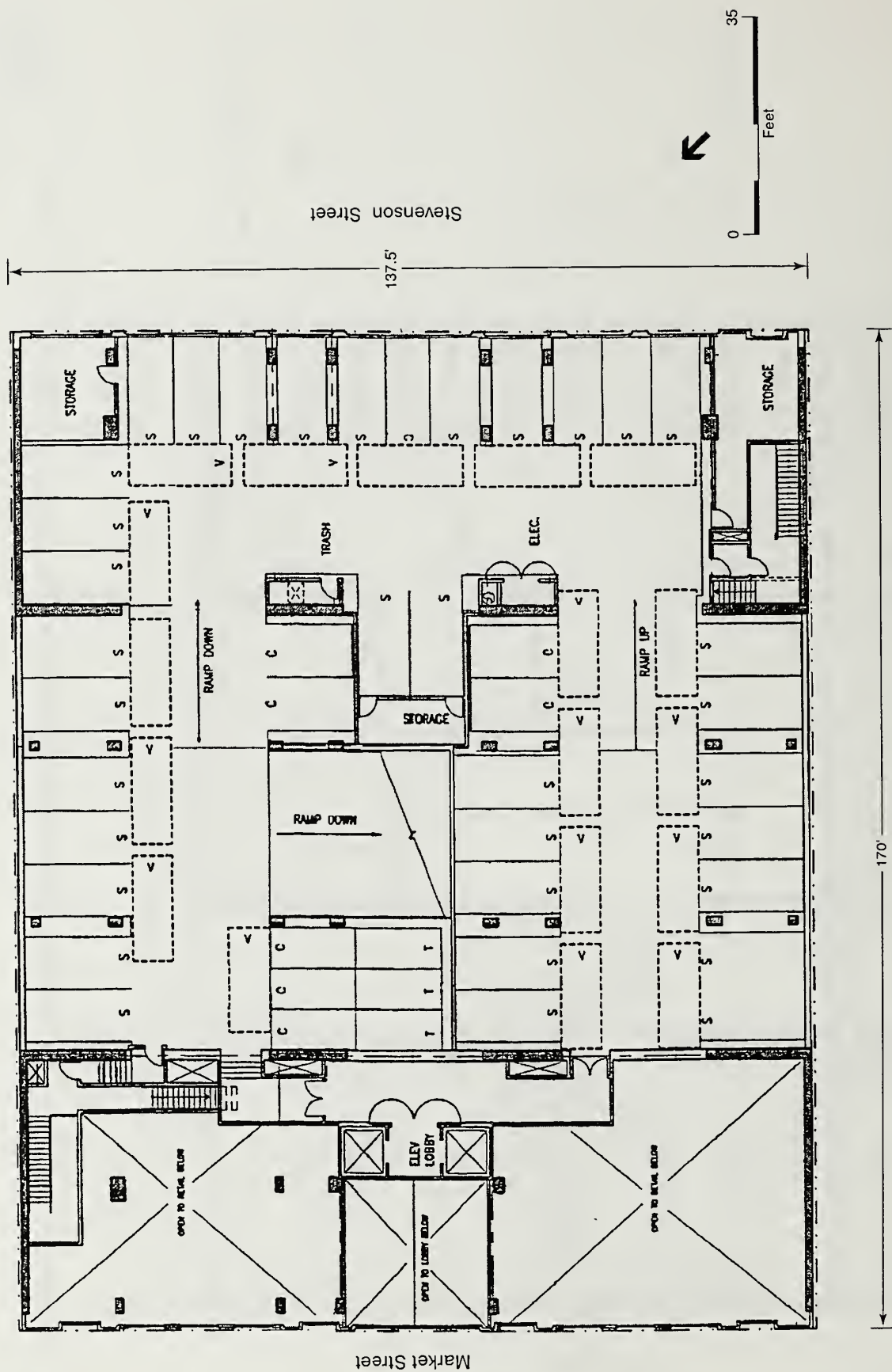
Figure 1
Project Location





Case No. 2000.965E; 949 Market Street (ESA 200605) ■ **Figure 3**
 SOURCE: MBH Architects
 Basement Plan

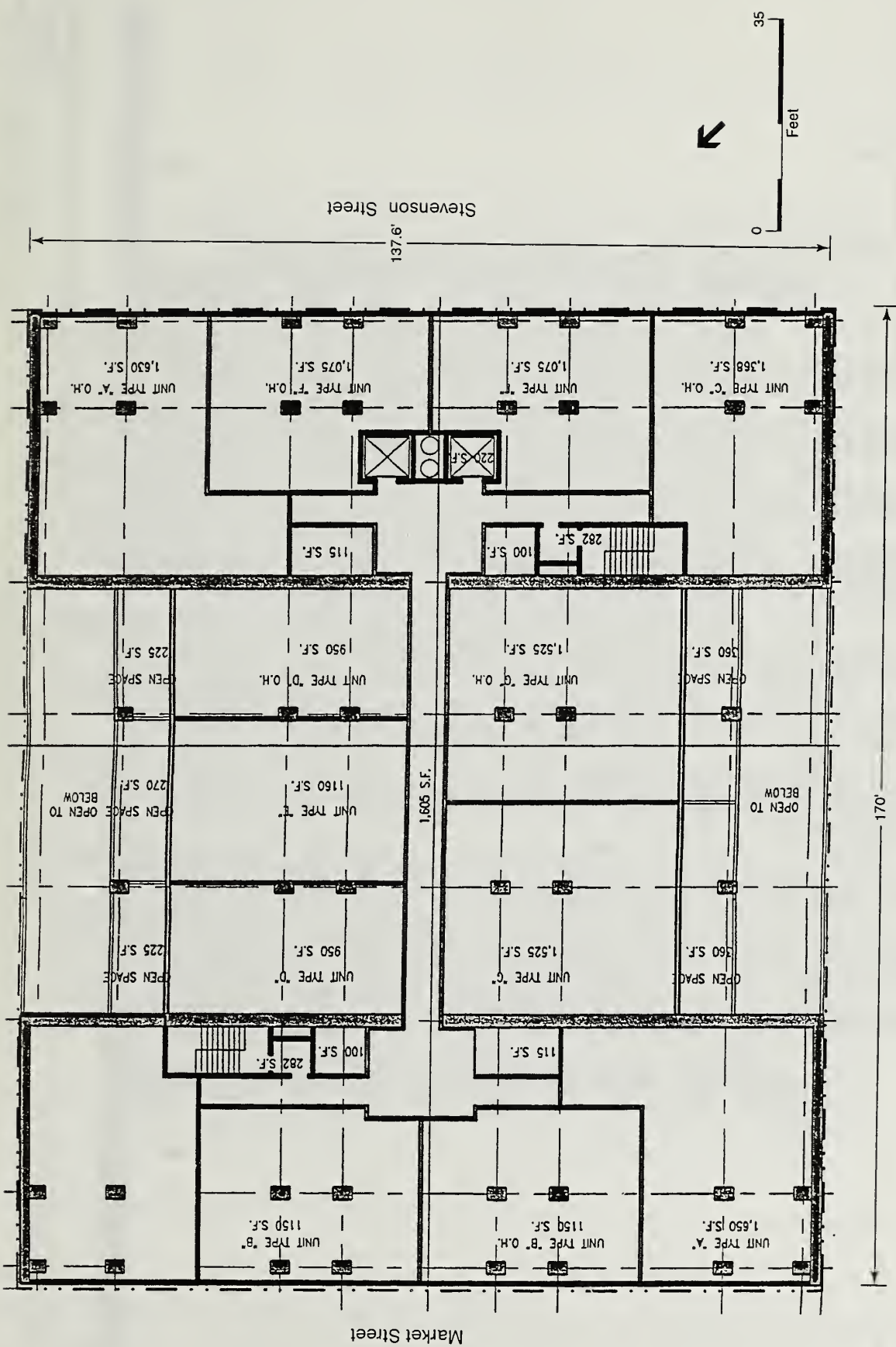




Case No. 2000.965E: 949 Market Street (ESA 200605)

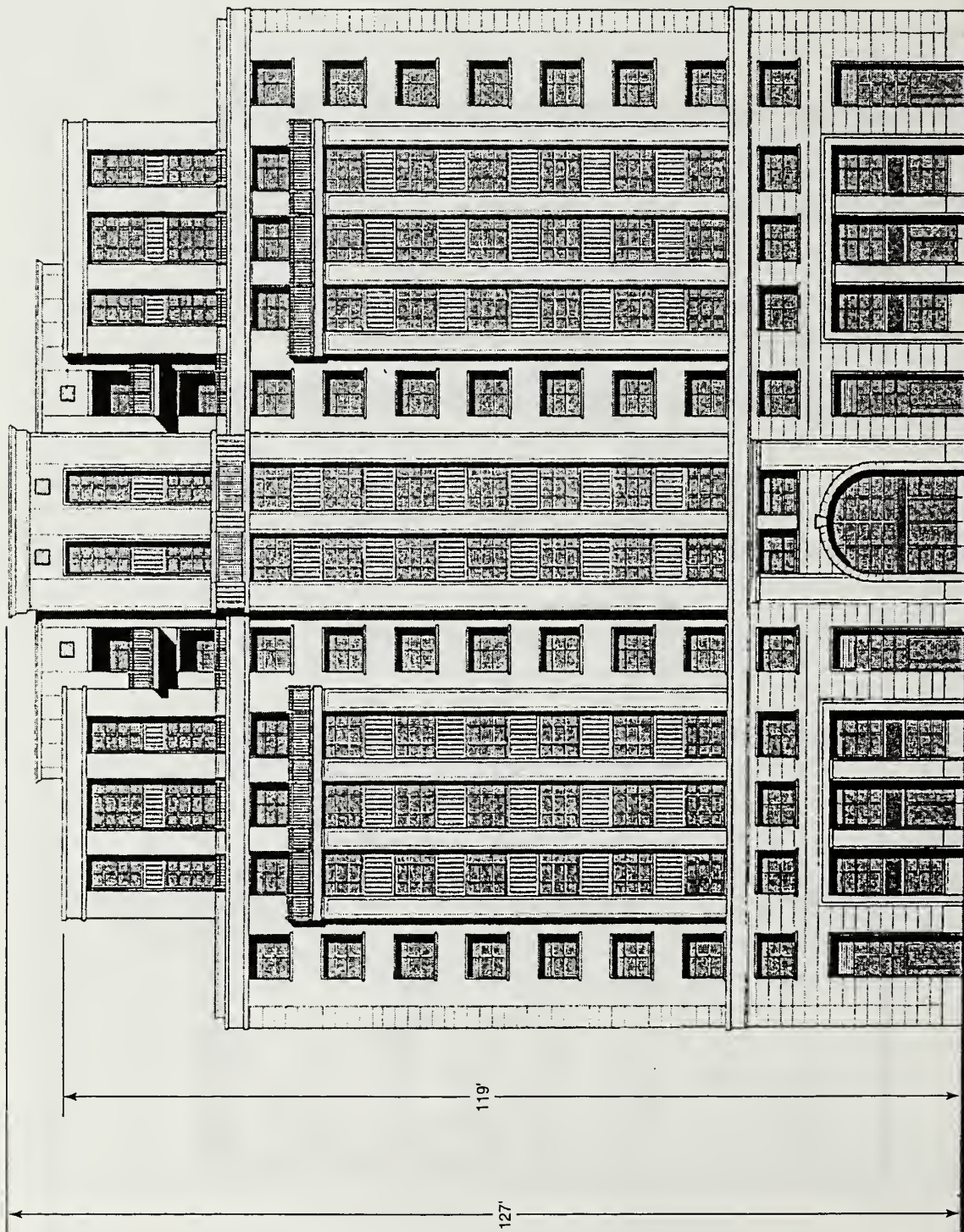
Figure 5
Second Floor Plan

SOURCE: MBH Architects



SOURCE: MBFI Architects

Case No. 2000.965E, 949 Market Street / 200605 ■

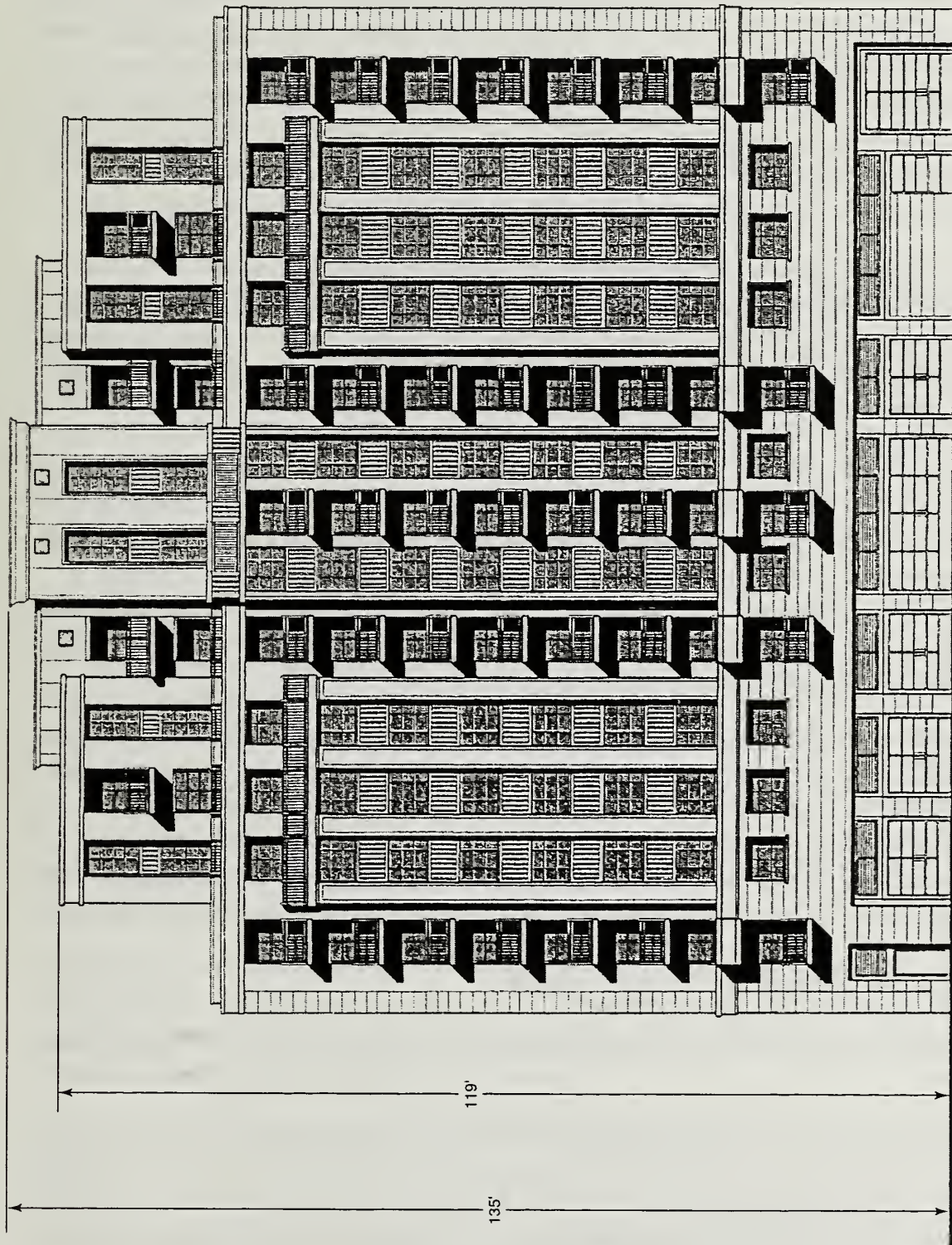


Case No. 2000.965E: 949 Market Street (ESA 200605) ■

Figure 7

Market Street Elevation

SOURCE: MBH Architects



Case No. 2000.965E: 949 Market Street (ESA 200605) ■

Figure 8

Stevenson Street Elevation

SOURCE: MBH Architects

The project would provide a total of 158 parking spaces, situated in the basement and on the ground- and second-floor levels. The entire basement (approximately 21,000 gsf) would be devoted to parking and would include five handicap spaces.

Vehicles would enter the garage at the ground-floor via Stevenson Street, where, in addition to standard vehicle parking and one handicap space, there would be one loading space occupying 13,500 gsf on the ground floor. The second floor (15,700 gsf) would be dedicated to parking, accessible by a vehicular ramp from the ground-floor parking area, with the areas above the retail spaces and lobby open to below. The proposed project would provide the 38 spaces required for residential use per Planning Code Section 151 and the project sponsor would seek a Conditional Use authorization for the additional 121 parking spaces proposed in excess of accessory amounts.³ The existing site has no parking or loading spaces.

According to the project architect, the proposed building design is a contextual response to regional architectural styles. The building's facade, which would extend to the site's property lines, would be composed of smooth finished plaster, limestone, and glass. The building's massing would incorporate a classical tripartite proportioning system with a base, middle, and top that draws from three prevalent styles in San Francisco, including Bay Region, International Style, and Art Deco.

The existing building on the project site at 949-961 Market Street is constructed of steel, brick, timber, and concrete. Built in 1910, but remodeled through alterations beginning in 1925, the structure is identified by the San Francisco Planning Department in the *Downtown Plan* as a Category V (Unrated) building, meaning that it is not Significant or Contributory and is not subject to Article 11 of the Planning Code. The building was rated "B" (Major Importance) by San Francisco Architectural Heritage and has a rating of 3S (appears eligible for separate listing for the *National Register of Historic Places*) on the Historic Properties listing of the State Office of Historic Preservation.

The project's floor area ratio (FAR) would be 9:1, which exceeds the basic permitted FAR in the C-3-G District (without transfer of development rights to the site) of 6:1, but with the transfer of development rights would be within the allowable maximum FAR of 9:1. The project would comply with the requirements of the 120-X Height and Bulk District in which the project site is located. Project construction, including demolition of the existing building, would take approximately 18 months, with the proposed building opening planned for summer 2003. The project architects are MBH Architects.

B. PROJECT SPONSOR'S OBJECTIVES

The project sponsor's objectives are as follows for the proposed residential project at 949 Market Street, San Francisco:

- To provide 152 residential units to help offset the City's housing shortage;

³ Planning Code Section 151 requires one parking space per every four residential units in the C-3 district; off-street parking requirements are waived for the retail use of the project, per Planning Code 161(c).

- To provide at least 15 affordable residential units as part of the project site or, in the alternative, to contribute funds sufficient to build at least 15 affordable residential units in the project neighborhood, to help alleviate the City's demand for affordable housing;
- To provide new upgraded ground-floor retail uses;
- To enhance the vitality of the Mid-Market area;
- To replace the existing buildings with a seismically safer structure;
- To develop a project with minimal environmental disruption; and
- To provide a return on investment.

C. PROJECT APPROVAL REQUIREMENTS AND GENERAL PLAN POLICIES

This EIR will undergo a public comment period as noted on the cover, including a public hearing before the Planning Commission on the Draft EIR. Following the public comment period, responses to written and oral comments will be prepared and published in a Draft Summary of Comments and Responses document. The Draft EIR will be revised as appropriate and, with the Draft Summary of Comments and Responses, presented to the Planning Commission for certification as to accuracy, objectivity, and completeness. No approvals or permits may be issued before the Final EIR is certified.

APPROVALS AND PLAN CONSISTENCY

The project would be subject to Planning Code Section 295, which limits new shadow on public open spaces under the jurisdiction of the Recreation and Park Commission, Section 146, which protects sunlight on certain public sidewalks in C-3 Districts), and Section 147, which limits new shadow on publicly accessible open spaces not protected by Section 295. A synopsis of shadow effects related to these Code sections is provided on pages 53 through 60 of the EIR. As part of the building permit process, the Zoning Administrator would determine the project's compliance with Section 295. The project's compliance with Sections 146 and 147 would be determined as part of the project's review under Planning Section 309, Permit Review in C-3 Districts.

The Planning Code, which incorporates by reference the City Zoning Maps, governs land uses, densities, and configuration of buildings within San Francisco. Permits to construct new buildings or to alter or demolish existing ones may not be issued unless the proposed project conforms to the Code or an exception is granted pursuant to provisions of the Code.

Section 309 of the Planning Code, Permit Review in C-3 Districts, governs the review of project authorization and building and site permit applications in C-3 Districts. The project would require review and approval at a public hearing by the Planning Commission under Section 309 because the sponsor seeks exceptions, pursuant to Section 309, to the following Code sections: Reduction of Rear

Yard Requirements in C-3 Districts (Section 134(d)), because the building would be built from the Market Street frontage lot-line to the Stevenson Street rear lot-line and there would be no provision for rear yard space; Market Street Setback (Section 132.1(b)), because the proposed structure would not incorporate a 25-foot setback from the Market Street property line at a height of 90 feet; and Reduction of Ground-level Wind Currents in C-3 Districts (Section 148), because the project would not eliminate all of the existing pedestrian comfort criteria exceedances. Section 309 also permits the imposition of certain conditions in regard to such matters as a project's siting and design; view, shadow, and wind characteristics; parking, traffic, and transit effects; energy consumption; pedestrian environment; and other matters.

The project sponsor would be required to seek and justify a variance from the requirement for dwelling unit exposure because the dwelling units that would face onto the side light courts would not meet the provisions of Section 140, which establishes minimum requirements for dwelling unit exposure to open areas. In addition, the project would require Conditional Use authorization because it would exceed the requirement of one parking space for every four residential units as established by Section 151, Required Off-Street Parking Spaces.

Environmental plans and policies, like the Bay Area '97 *Clean Air Plan*, directly address physical environmental issues and/or contain standards or targets that must be met in order to preserve or improve specific components of the City's physical environment. The proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy.

On November 4, 1986, the voters of San Francisco passed Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the Planning Code and established eight Priority Policies. These policies are: preservation and enhancement of neighborhood-serving retail uses; protection of neighborhood character; preservation and enhancement of affordable housing; discouragement of commuter automobiles; protection of industrial and service sectors from commercial office development and enhancement of resident employment and business ownership; maximization of earthquake preparedness; landmark and historic building preservation; and protection of open space. Prior to issuing a permit for any project which requires an Initial Study under the California Environmental Quality Act (CEQA), or adopting any zoning ordinance or development agreement, the City is required to find that the proposed project is consistent with the Priority Policies. The motion for the Section 309 consideration will contain the analysis determining whether the 949-961 Market Street Project is in conformance with the Priority Policies.

GENERAL PLAN

The *San Francisco General Plan* (General Plan), which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. In general, potential conflicts with the General Plan are considered by the decision-makers (normally the Planning Commission) independently of the environmental review process, as part of the decision to approve,

modify, or disapprove a proposed project. Any potential conflict not identified here could be considered in that context, and would not alter the physical environmental effects of the proposed project. The Planning Commission would review the project in the context of applicable objectives and policies of the General Plan. Some of the key objectives and policies are noted here.

DOWNTOWN PLAN

- Objective 1, Policy 1, to “Encourage development which produces substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences which cannot be mitigated.”
- Objective 7, Policy 2, to “Facilitate conversion of underused industrial and commercial areas to residential use.”
- Objective 12, Policy 3, to “Design new buildings to respect the character of older development nearby.”
- Objective 13, Policy 1, to “Relate the height of buildings to important attributes of the city pattern and to the height and character of existing and proposed development.”
- Objective 14, Policy 1, to “Promote building forms that will maximize the sun access to open spaces and other public areas.”
- Objective 14, Policy 2, to “Promote building forms that will minimize the creation of surface winds near the base of buildings.”
- Objective 15, Policy 1, to “Ensure that new facades relate harmoniously with nearby facade patterns.”
- Objective 15, Policy 2, to “Assure that new buildings contribute to the visual unity of the city.”
- Objective 16, Policy 1, to “Conserve the traditional street to building relationship that characterizes downtown San Francisco.”
- Objective 16, Policy 2, to “Provide setbacks above a building base to maintain the continuity of the predominant streetwalls along the street.”
- Objective 16, Policy 4, to “Use designs and materials and include activities at the ground floor to create pedestrian interest.”
- Objective 23, to “Reduce hazards to life safety and minimize property damage and economic dislocations resulting from future earthquakes.”

COMMERCE AND INDUSTRY ELEMENT

- Objective 1, to “Manage economic growth and change to ensure enhancement of the total city living and working environment.”

RESIDENCE ELEMENT

- Objective 1, Policy 2, to “Facilitate the conversion of underused industrial and commercial areas to residential use, giving preference to permanently affordable housing uses.”
- Objective 1, Policy 4, to “Locate infill housing on appropriate sites in established neighborhoods.”
- Objective 2, to “Increase the supply of housing without overcrowding or adversely affecting the prevailing character of the existing neighborhood.”
- Objective 2, Policy 2, to “Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are permanently affordable to lower income households.”
- Objective 12, to “Provide a quality living environment.”
- Objective 12, Policy 1, to “Assure housing is provided with adequate public improvements, services and amenities.”
- Objective 12, Policy 4, to “Promote construction of well designed housing that conserves neighborhood character.”

TRANSPORTATION ELEMENT

- Objective 11, Policy 11.3, to “Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.”
- Objective 20, Policy 20.2, to “Reduce, relocate or prohibit automobile facility features on transit preferential streets, such as driveways and loading docks, to avoid traffic conflicts and automobile congestion.”
- Objective 24, to “Improve the ambiance of the pedestrian environment.”
- Objective 24, Policy 24.4, to “Preserve pedestrian-oriented building frontages.”

URBAN DESIGN ELEMENT

- Objective 1, Policy 3, to “Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.”
- Objective 2, Policy 6, to “Respect the character of older development nearby in the design of new buildings.”
- Objective 2, Policy 7, to “Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco’s visual form and character.”

- Objective 3, “Moderation of major new development to complement the city pattern, the resources to be conserved, and the neighborhood environment.”
- Objective 3, Policy 1, to “Promote harmony in the visual relationships and transitions between new and older buildings.”
- Objective 3, Policy 2, to “Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.”
- Objective 3, Policy 5, to “Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.”
- Objective 3, Policy 6, to “Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.”
- Objective 4, Policy 13, to “Improve pedestrian areas by providing human scale and interest.”

COMMUNITY SAFETY ELEMENT

- Objective 2, Policy 2.1, to “Assure that new construction meets current structural and life safety standards.”

CHAPTER III

ENVIRONMENTAL SETTING AND IMPACTS

A. ZONING AND LAND USE

The Initial Study concluded that the project would not have adverse land use impacts. Land use setting information is included in the EIR for informational purposes.

The 23,400-square-foot project site is currently occupied by an existing two-wing structure, a 40-foot-high former theater building (south wing) and a 66-foot-high former commercial building (north wing). The existing building is built to the Market Street (to the north) and Stevenson Street (to the south) property lines. The building is a rectangular steel, brick, timber, and concrete structure that provides approximately 44,000 gross-square-feet (gsf) of space. Former commercial uses on the project site included a clothier, a billiards hall, an optometrist, and a deli. The last remaining business, the Snack Station Deli, closed on January 15, 2001.

The project site is within a C-3-G (Downtown General-Commercial) District. Section 210.3 of the Planning Code states that the C-3-G District “covers the western portions of downtown and is composed of a variety of uses: retail, offices, hotels, entertainment, clubs and institutions, and high-density residential. Many of these uses have a citywide or regional function, although the intensity of development is lower here than in the downtown core area. As in the case of other downtown districts, no off-street parking is required for individual are principal permitted land uses in the C-3-G District, but in portions of this district automobile parking is a major land use, serving this district and the adjacent office and retail core areas. In the vicinity of Market Street, the configuration of this district reflects easy accessibility by rapid transit.”

Land uses on, adjacent to, and near the project site are a primarily retail, with upper-story office uses in many buildings. Land uses in the broader vicinity include: retail, office, hotel, entertainment, institutional, and high-density residential. The closest residential district is the RC-4 (Residential-Commercial Combined, High Density) Zoning District, located one block away to the north of Market Street. In the immediate vicinity of the project site to the north and west are a number of structures over 80 feet tall. These buildings include the 103-foot-tall Golden Gate Theatre at the intersection of Taylor Street and Golden Gate Avenue, the Warfield Theatre and office building at 982 Market Street, and an approximately 90-foot-tall residential development at 100 Jones Street. At the corner of Market and Sixth Streets at 997 Market Street is a 14-story commercial building. The southwest corner of Market and Fifth Streets is occupied by a 72-foot-tall, five-story plus mezzanine level commercial building at 901 Market Street. Other prominent structures in the area include the 97-foot-tall, seven-story San Francisco Center, the 120-

foot-tall the former Emporium Building, and the 160-foot-tall Flood Building at Powell and Market Streets.

Public open space in the vicinity of the project site is limited, and includes Hallidie Plaza at Eddy, Mason and Market Streets, and Boedekker Park, at Jones and Eddy Streets. Other public open spaces in the vicinity include United Nations Plaza, a long, nearly rectangular public open space that connects the Civic Center to Market Street.

- Directly across Stevenson Street to the south of the project site, at 460 Jessie Street, is a steam-producing plant that consists of five large boilers that burn natural gas and vent steam exhaust through two 200-foot tall cooling towers. The plant currently operates 24 hours per day, 7 days per week. The operator of the facility (NRG Energy Center, San Francisco) indicates that it intends to replace an existing two-story office structure on the property with a new 50-megawatt turbine cogeneration facility consisting of a two-story building topped by a 20- 30-foot-tall cooling tower. The new structure would have frontages on both Jessie and Stevenson Streets. Project completion is planned for 2005 or 2006. The project would be expected to require approvals from the California Public Utilities Commission and the Planning Department and would be subject to CEQA review, for which the Planning Department would likely serve as the lead agency. At that time, the potential impacts of the NRG Energy Center project on the surrounding environment, if any, would be assessed.

The project site is within the 120-X Height and Bulk District (120-foot basic height limit, with some exceptions for heights exceeding 120 feet to accommodate mechanical equipment necessary for the operation of the building; the “X” bulk limit indicates that there are no bulk requirements in this district). The height of the 119-foot-tall project building would be permitted as proposed. The project would have a floor area ratio (FAR) of 9:1, which exceeds the maximum basic FAR permitted in the C-3-G District of 6:1, but would be under the maximum allowable FAR of 9:1 with Transfer of Development Rights (TDRs) per Planning Code Section 123(c)(2). Zoning in the project vicinity is generally C-3-G (Downtown Retail) to the east of Fifth Street.

The project site is located within the boundaries of the Downtown Plan, an Area Plan of the San Francisco General Plan. The Downtown Plan is the policy document that guides growth and development in San Francisco’s downtown area. Centered on Market Street, the Downtown Plan covers an area roughly bounded by Van Ness Avenue to the west, The Embarcadero to the east, Folsom Street to the south, and the northern edge of the Financial District to the north. The Downtown Plan contains objectives and policies that address the following issues: provision of space for commerce, housing, and open space; preservation of the past; urban form; and movement to, from, and within the downtown area (transportation). The Downtown Plan was intended to manage growth in this area, including maintaining a compact downtown core and directing growth to areas with developable space and easy transit accessibility so downtown would “encompass a compact mix of activities, historical values, and distinctive architecture and urban forms that engender a special excitement reflective of a world city” (Downtown Plan, p. II.1.1).

The proposed project, a new 12-story residential and retail building of approximately 241,200 gsf, would introduce a residential use to the project site and result in an increase in intensity of existing land uses on the site, given that the existing building is about one-fifth the size of the proposed project and is completely vacant. However, the project would not alter the general land use or character of the immediate area, which includes many mixed-use commercial and residential buildings.

The project would not disrupt or divide the neighborhood since it would be achieved within the existing block configuration, and retail and residential uses already occur in the vicinity. Residential units are not common in the immediate vicinity along Market Street; however, the proposed residential units would not conflict with existing uses in the vicinity. Land use effects of the proposed project would therefore be less-than-significant.

B. HISTORICAL RESOURCES⁴

SETTING

PROJECT VICINITY

The project site is located approximately 45 feet to the east of the eastern boundary of the Market Street Theatre and Loft District, a *National Register of Historic Places* (National Register) district adopted in 1986. The Market Street Theatre and Loft District includes buildings on both sides of Market Street, from nearly 1,200 feet west of Sixth Street to Seventh Street, including the intersections of Market Street/Golden Gate Avenue, Taylor/Sixth Streets, and Market Street with Jones/McAllister Streets and a little beyond in both directions. The District consists of several historic Vaudeville and motion picture theaters as well as several reinforced-concrete loft office buildings. The entire area, which was destroyed in the 1906 Earthquake and Fire, was reconstructed during the following decade with several large and sumptuously appointed live performance and motion picture theaters. Pre-1906 land uses largely determined what replaced the pre-earthquake buildings but the new buildings were typically larger and of “fireproof” construction. Before the district declined during the 1960s and 1970s it was the most important theater district in Northern California. The project parcel is bounded on the west by a modern commercial structure, on the east by a historic but heavily altered office building constructed in 1909, and on the south by Stevenson Street. The project site is not included within the boundaries of the Market Street Theatre and Loft District.

PROJECT SITE

949-961 Market Street History

Prior to the 1906 Earthquake and Fire, the project site was occupied by a row of two- and three-story commercial structures. The land was owned by the Spreckels Estate, one of San Francisco’s largest real estate developers and primary landholders in the local neighborhood. A few years after the disaster, the “theatrical” firm of Sullivan & Considine leased the vacant site and commissioned a large “high class” Vaudeville theater. The existing 949-961 Market Street structure was realized in 1910 as a mixed-use project including the 2,000-seat Empress Theater, six retail stores and a billiards parlor. The \$375,000 theater and retail office complex was completed and opened for business December 4, 1910 (San Francisco Call, 1910). In 1917 famed showman Sid Grauman became owner of the Empress Theater. Grauman sensed that Vaudville’s days were coming to an end. He closed the Empress Theater for a week in the spring of 1917 and converted it to a motion picture theater. Grauman renamed the Empress “the Strand” and reopened it for business in March 1917, with a showing of “Poor Little Rich Girl,” starring Mary Pickford (San Francisco Chronicle, 1917).

⁴ The information presented in this section has been summarized from the *Historic Resources Study: St. Francis Theater, 949-961 Market Street, San Francisco*, by Page and Turnbull, Inc. September 5, 2001. The full text of this report may be viewed by appointment at the San Francisco Planning Department, Project File No. 2000.965E.

The existing building was designed by the prominent and well-respected architect John Galen Howard. Howard was a product of the Beaux-Arts education system, both in the United States and in Europe. Initially, Howard studied architecture at the Massachusetts Institute of Technology (MIT), the first architecture department in the United States. He graduated from MIT in 1885 and joined the offices of Henry Hobson Richardson in Brookline, Massachusetts. In 1889, he joined the firm of McKim, Mead & White in New York. With the financial assistance of Charles McKim, Howard traveled to Paris to further his education at the Ecole des Beaux-Arts. Following his stint at the Ecole, Howard moved to New York where he went into practice with engineer Samuel M. Cauldwell in 1893.

In 1897, Howard & Cauldwell submitted an entry to the Phoebe Apperson Hearst Competition for the design of the UC Berkeley campus and won fourth place. Howard's strong entry led to an appointment to the committee overseeing the implementation of the winning design by French architect Emile Benard. Conflicts with Benard erupted over the campus design and began to impede progress. After Benard declined the role of supervising architect, Howard was offered the job and served in the position from 1901 until 1927. In 1903, Howard was made the head of the University's School of Architecture. During his tenure at Berkeley, Howard designed much of the Beaux Arts campus, including: Hearst Memorial Mining Building (1902-07), California Hall (1905), the Campanile (1914), Doe Memorial Library (1911 and 1917), Wheeler Hall (1917), and many others. Throughout his career Howard also served on several important architectural committees, including for San Francisco Civic Center. In 1914, Howard collaborated on the design of the Civic Center Exposition Auditorium with Frederick H. Meyer and San Francisco City Architect John Reid, Jr.

John Galen Howard is generally regarded as one of the most important architects to work in Northern California during the first quarter of the 20th Century. He was part of a select corps of men and women trained at the Ecole des Beaux Arts, the most prestigious and rigorous architecture program in the world, whose graduates were trained to design any type of building in the grand French Neoclassical tradition. Architects such as Howard, as well as Arthur Brown, Jr. and George Kelham, greatly influenced the appearance of post-quake San Francisco and helped to partially transform the once-chaotic Victorian city into the grand capital of the West. John Galen Howard played an instrumental role in the creation of the two major manifestations of the American Renaissance in Northern California, including the San Francisco Civic Center and the University of California.

BUILDING ARCHITECTURAL DESCRIPTION

Exterior

The existing 949-961 Market Street structure is a two-story-and-gallery-over-basement, steel-frame structure with brick and concrete perimeter walls. In plan, the building is composed of two parallel rectangular wings, a north wing (the building's retail wing fronting Market Street) and a south auditorium wing (fronting Stevenson). The Market Street elevation of the north wing currently contains four, two-level retail spaces (originally six) and the entrance lobby of the theater. The second floor of the north wing houses what was once a vast billiards parlor. The theater auditorium is located in the south

wing. A narrow paved exterior courtyard divides the two volumes and provides a second means of egress from the theater auditorium. The building has two publicly visible elevations: the primary public facade on Market Street and a blank wall facing Stevenson Street. The facade was originally heavily glazed with terra cotta pilasters and what appears to be a terra cotta cornice.

The north elevation (retail wing), or the facade of 949-961 Market Street, is seven bays wide. It is expressed on the exterior as three stories, with a band of gallery-level windows located between the first and second floors. When the building was completed in 1910, the facade was expressed as a very large three-level enframed window wall composition, with a great deal of the wall comprised of large plate glass window units divided by attenuated terra cotta pilasters. The window units themselves were originally all divided by metal mullions. Currently, all but two of the large window units have been covered with large modern signage. The minimal non-glazed sections of the facade originally consisted of heavily ornamented terra cotta pilasters and spandrels, but much of this ornament (designed in the Neoclassical Revival mode popular during the post-1906 Earthquake era) has also either been removed or covered with oversized signage. The facade is still capped by its original bracketed terra cotta cornice, which is accented at the coping (top) level by regularly spaced Neoclassical acroteria.⁵ The west bay of the facade was originally surmounted by a dome that was illuminated at night and marked the entrance to the theater. The dome was later removed at an unknown time. Large, modern signs completely obscure the westernmost three bays and other forms of signage partially obscure the easternmost two bays. The center bays are the least altered.

The south elevation of the auditorium wing faces Stevenson Street. This elevation is six bays wide and two stories tall, except for the easternmost section, which rises an additional story to accommodate a flytower. This elevation is very plain and is not articulated by a regular grid of large inset panels as indicated on the original plans. There are relatively few openings in the south wall with the exception of several pairs of steel fire doors in the center bays. The easternmost bay was originally articulated by two levels of three windows that illuminated bathrooms and dressing rooms, but which have all since been filled in with brick.

Interior

Very little of the original interior of the existing building survives. The promenade lobby and the entire auditorium was completely reconstructed in 1925 and again in 1968, removing all historic fabric. The original plans indicate that the Empress Theater, which originally occupied the space, featured one of the most grandiose theater auditoriums in San Francisco. Originally, two colossal plaster Corinthian pilasters flanked the proscenium and the walls were articulated by an alternating arrangement of recessed panels and gilded pilasters. The pilasters supported an elaborate denticulate cornice made of plaster. Gilded coffers embellished with egg and dart moldings articulated the ceiling. The interior, already heavily remodeled in 1925, was completely demolished as part of a remodel in 1968. In this second remodel, the original auditorium and balcony were replaced with two smaller auditoriums, one in the basement and

⁵ The blocks or pedestals supporting statues or ornaments placed on the apex and at the lower angles of a classical pediment.

another above it. No historic materials or features survive in the auditorium wing. The new materials are utilitarian, with gypsum board walls, suspended acoustical tile ceilings, and carpeted concrete floors.

In the north wing, the six retail spaces have been altered incrementally over the past 91 years, removing most of the original materials and finishes.

BUILDING RATINGS

National Register of Historic Places

The 949-961 Market Street building is not listed on the National Register or the *California Register of Historical Resources* (California Register). However, according to the historic architectural analysis conducted for the project site, prior to its extensive alterations/reconstruction in 1968, 949-961 Market possessed a very high level of architectural and historical significance. According to National Register criteria, historic resources must be significant⁶ at the local, state or national level under one or more of the following four criteria:

- A. Criterion A (Event): Buildings that are associated with events that have made a significant contribution to the broad patterns of our history;
- B. Criterion B (Person): Buildings that are associated with the lives of persons significant in our past;
- C. Criterion C (Design/Construction): Buildings that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master; and
- D. Criterion D (Information Potential): Buildings that have yielded, or may be likely to yield, information important in prehistory or history.

With regard to *Criterion A*, 949-961 Market Street was a major theater built as part of the post-quake reconstruction of San Francisco's Mid-Market Theater District. Further, the construction of the Empress Theater in 1910 was an explicit attempt to recapture lost patronage and to reestablish the Mid-Market Theater District as a primary destination for local and regional trade. However, 949-961 Market Street cannot be convincingly linked to any single event of any importance and therefore Criteria A would not apply to the existing building.

Regarding *Criterion B*, 949-961 Market is "associated with the lives of persons significant in our past." The building is associated with Sid Grauman, an early motion picture theater manager and developer important on the national level. Grauman managed the Empress/Strand Theater from 1910 to 1917 until he moved to Los Angeles and began developing a theater empire which included at various times the

⁶ This use of the word "significant" in the context of historic resources is to be differentiated from its use under CEQA, wherein it denotes an effect that constitutes a substantial adverse change in the environment. "Significant," when used in reference to historic resources, denotes a resource's importance.

Egyptian Theater (1922), El Capitan Theater (1926), and Mann's Chinese Theater (1927). Grauman was one of the most important theater developers in the history of the United States, and the Empress Theater was one of his first ventures. Nonetheless, very little of the interior or exterior dating from Grauman's management of the theater remains, rendering his connection with the building largely insignificant. The period of significance for *Criterion B* is 1910-1917, the span of time for which Grauman managed the Empress Theater.

In reference to *Criterion C*, 949-961 Market did originally embody the distinctive characteristics of a type, period, and method of construction and prior to the 1968 renovations, represented the work of a master and possessed high artistic value. However, as a result of the extensive changes that took place in 1968, the building retains a very low level of integrity. As a building type, 949-961 Market is unique for its age as an early example of an innovative mixed-use project combining retail stores, a billiards parlor, a café, and a large theater. In the Bay Area, most early Vaudeville houses and motion picture theaters were single-use buildings. The Empress Theater was apparently unique in San Francisco for combining so many public uses in a large retail and entertainment complex. Later, other mixed-use theater/retail buildings were built in the Bay Area, including the Apollo Theater on Geneva Avenue in San Francisco and Oakland's Fox Theater.

As a representative of a period of construction, 949-961 Market Street originally embodied several distinct periods bracketed by several major remodels. From 1910 until its alterations in 1968, the building represented the imaginative and sumptuous flights of fancy characteristic of theater design during the first quarter of the 20th Century. Between 1910 and the 1925 remodel, 949-961 Market Street retained John Galen Howard's Renaissance Revival exterior and interior. In 1925, Paramount Studios commissioned extensive changes to the exterior and interior of the building, giving it a more contemporary Spanish Colonial Revival appearance. Virtually all of this work was removed in 1968 when the interior was demolished and the exterior extensively altered. The building is a concrete frame structure with brick curtain walls, a mode of construction that grew in popularity in San Francisco following the 1906 Earthquake and Fire. Many of the lessons learned in this disaster were applied in the design of this building, including the multiple exits, fire escapes, and fire suppression systems. However, with the exception of some exterior terra cotta cladding and some finishes within the retail spaces, few of these features or details remain.

Prior to the 1968 remodel, it would have been very easy to make the case for the building's significance as embodying "high artistic values" and as a representative "work of a master." Although the materials and interior finishes used in the construction of 949-961 Market were in themselves not unusual for the age, the scale and elaboration of the interior ornament was almost unrivaled in San Francisco's Mid-Market Theater District. Of particular note was the exterior dome with its fanciful lighting effects. As the work of John Galen Howard, 949-961 Market was undisputedly the work of a master. As a resource potentially significant under *Criterion C*, the period of significance would have extended from 1910, the date of construction, to 1951, fifty years before the present date. Nonetheless, the heavy alterations that

occurred in 1968 have substantially affected the physical and architectural integrity of 949-961 Market Street.

With regard to *Criterion D*, the building at 949-961 Market Street has been studied extensively and is not likely to yield scientific, technological, or historical information of significant research potential that would qualify it as a property eligible for listing in the National Register or California Register under *Criterion D*. Subsurface soils that would be potentially affected by the proposed project have been largely previously disturbed. However, the project sponsor has agreed to the archaeological mitigation measure that will require, in the event of the accidental discovery of archaeological resources during any soils-disturbing activities of the project, that appropriate mitigative actions are undertaken as directed by the Environmental Review Officer to not adversely affect subsurface historical properties, including the recovery, analysis, curation, and interpretive treatment of data having significant research or interpretive potential (see Chapter IV, Mitigation Measures).

In order to qualify for listing in the National Register, resources must not only meet one of the criteria discussed above, they must “retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance.” According to the California Office of Historic Preservation, integrity is “the authenticity of an historical resource’s physical identity evidenced by the survival of characteristics that existed during the resources’ period of significance.” Integrity is evaluated with regard to the following seven variables: location, design, setting, materials, workmanship, feeling, and association.

According to *National Register Bulletin 15*, “How to Apply the National Register Criteria for Evaluation,” a building does not necessarily have to retain a high level of physical integrity on the interior to be eligible for listing. Some historic buildings are “virtually defined by their exteriors,” such as early steel-frame skyscrapers. However, for other building types, in particular shopping arcades or movie theaters, the opposite is true. Often possessing narrow street frontages and large elaborate auditoriums, theaters are the quintessential interior-oriented building type. According to *National Register Bulletin 15*, buildings whose main architectural features are interior, such as a concert hall, would “lose its value as a historic resource” if it were to “lose its interior.”⁷ This is indeed the case with 949-961 Market, where nothing from the 1910 or 1925 theater interiors remain. Further, the 1968 alterations appear to have removed or obscured much of the facade’s original character-defining features.

Below is an analysis of the applicability of each of the seven variables in relation to 949-961 Market Street. “Location” refers to the place where the historic property was constructed. 949-961 Market Street maintains its historic location during its period of significance under Criterion C (1910-1951).

“Design” is the combination of elements that create the form, plan, structure, and style of a property. Insufficient elements of the original design are present on either the exterior or interior of 949-961 Market Street to convey appearance of the building during its period of significance under Criterion C

⁷ National Park Service, *National Register Bulletin #15*, “How to Apply the National Register Criteria for Evaluation,” revised 1998, p. 46.

(1910-1951). In 1968, major sections of the Market Street facade were covered with signage and, in some cases, probably removed altogether. Additionally, the focal point of the original design, the dome above the theater entrance, was removed at an unknown time. The interior of the theater/ auditorium wing was completely removed in 1968 and most of the interior of the north retail wing has been reconfigured and refinished a number of times, leaving scant evidence of the original design.

“Setting” is the physical environment of an historic property. Since 949-961 Market was completed in 1910, the setting, the vicinity of the historic Mid-Market Street Theater District has changed substantially from its original appearance during the period of significance under Criterion C (1910-1951). Most of the buildings on both sides of Market Street between Fourth and Seventh Streets were constructed within the decade following the 1906 Earthquake and Fire. As a result, they comprise a very intact district of early 20th Century buildings originally designed in a coherent Beaux-Arts aesthetic. Inappropriate signage and remodeling occurring in the latter part of the 20th Century has obscured much of the original fabric. 949-961 Market is one of the most drastically altered buildings in the district.

“Materials” are the physical elements that were combined or deposited during a particular period of time and in a particular pattern to form an historic property. With the exception of the two center bays, the vast majority of the exterior materials and features surviving from the period of significance under Criterion C (1910-1951) have been removed or obscured beneath modern plywood paneling or signage. The most important surviving historic exterior materials and elements include the terra cotta cornice and window surrounds. Further, the entire interior of the original theater was removed and replaced in 1968 and very little of the remaining original interior remains. As an interior-oriented building, the removal of the materials that once comprised the entire historic theater auditorium and promenade lobby has substantially diminished the overall integrity of the building.

“Workmanship” is the physical evidence of the crafts of a particular culture or people during any given period. In its heavily altered state, 949-961 Market does not explicitly manifest any significant examples of handicraft or workmanship surviving from the period of significance under Criterion C (1910-1951).

“Feeling” is a property’s expression of the aesthetic or historic sense of a particular period of time. While some of the facade, perimeter walls and retail wing interior finishes remain intact from the period of significance under Criterion C (1910-1951), very little else does, particularly in the auditorium wing. The most evocative elements of the building are the original proportions of the building, as well as the surviving terra cotta window surrounds and cornice. Together these elements convey some sense of the building’s historic appearance, although the heavily altered storefronts detract substantially from the experience. The wholesale replacement of the theater auditorium and promenade lobby with utilitarian and inexpensive materials and features has removed all vestiges of what made the original interior so attractive to theater-goers between 1910 and 1968. Simply put, the existing interior feels much more like that of a 1960s-era suburban multiplex than that of an early 20th-century movie palace.

“Association” is the direct link between an important historic event or person and an historic property. Historically, 949-961 Market can be quite clearly linked with the early career of Sid Grauman, one of the

most important showmen and theater developers in the history of the American motion picture industry. However, very few elements survive from his association with the building under Criterion B (1910-1917).

California Register

The 949-961 Market Street building is not listed on the California Register. In its statewide database of historical resources, the State Office of Historic Preservation (OHP) has given the 949-961 Market Street building a rating of 3S, meaning the building appears eligible for separate listing in the National Register. This rating is based upon the building having received a "B" rating in the San Francisco's Architectural Heritage's 1978 *Downtown Survey*. According to the survey criteria, a rating of "B" signifies that a building is of "major importance." The criterion description reads:

Major Importance—Buildings, which are of individual importance by virtue of architectural, historical, and environmental criteria. These buildings tend to stand out for their overall quality rather than for any particular outstanding characteristics. B-group buildings are eligible for the *National Register* and of secondary priority for City Landmark status.⁸

San Francisco Architectural Heritage Survey

As noted, San Francisco Architectural Heritage (Heritage) previously surveyed downtown structures and, in 1979, published the results in the book *Splendid Survivors*. The Heritage survey employed 13 rating categories in four headings: architecture, history, environment, and integrity.⁹ As noted below, these same categories were later adopted for the survey conducted in the development of San Francisco's Downtown Plan.

The particular form of the Heritage survey was based on a model put forth by Harold Kalman in his book *The Evaluation of Historic Buildings, A Manual*, published by the Canadian government in 1978. Summary ratings from "A" to "D" were assigned to each building on the basis of evaluation in the 13 rating categories: "A"-rated buildings are of Highest Importance, "B"-rated buildings are of Major Importance, "C"-rated buildings are of Contextual Importance, and "D"-rated buildings are of Minor or No Importance. Buildings not rated by Heritage were those that have been built or suffered insensitive exterior remodelings since 1945. The 949-961 Market Street building was rated "B" - Major Importance in *Splendid Survivors*. The *Splendid Survivors* description of "B"-rated buildings is the same as that of the Downtown Survey, described above.

⁸ Foundation for San Francisco's Architectural Heritage, *Splendid Survivors*, (San Francisco: California Living Books, 1979), pp. 10-11.

⁹ The 13 categories are: Architecture (Style, Construction, Age, Architect, Design, Interior); History (Person, Event, Patterns); Environment (Continuity, Setting, Landmark); and Integrity.

The Downtown Plan and Planning Code

The project site is in the area covered by the Downtown Plan, which is an area plan within the San Francisco General Plan. Article 11 of the Planning Code, which addresses preservation of buildings and districts of architectural, historical, and aesthetic importance, classifies buildings in the C-3 Zoning Districts (generally, Downtown) within four Categories, I through IV, as established in the Downtown Plan. The Downtown Plan identified the most important buildings, called “Significant Buildings,” as Category I and Category II buildings. Under the Downtown Plan and Article 11, these structures are Buildings of Individual Importance, are at least 40 years old, and are rated Excellent in Architectural Design or Very Good in both Architectural Design and Relationship to the Environment, with the difference between Category I and Category II being in the extent of alteration allowed. The Downtown Plan identified a second tier of structures, called “Contributory Buildings,” as Category III and Category IV buildings. Under the Downtown Plan and Article 11, among Contributory Buildings, Category III buildings are Buildings of Individual Importance, but of lesser architectural and/or contextual merit than Category I and II buildings, are at least 40 years old, and are located outside six conservation districts designated in Article 11. Category IV buildings are located within conservation districts, are at least 40 years old, may be Buildings of Individual Importance or Buildings of Contextual Importance, and are of lesser architectural and/or contextual merit than Category I and II buildings. All remaining Downtown buildings are Unrated, Category V. The Downtown Plan designations were adopted after noticed public hearings, and a procedure for reconsideration was included in Article 11.

The Downtown Plan calls for preservation of Category I and II buildings and encourages, but does not require, preservation of Category III and IV buildings. To this end, one of the primary tools employed in the Planning Code is the Transfer of Development Rights, which allows a property owner of a building on an approved preservation lot to transfer to another site (the development lot) the allowable development envelope under the Planning Code that is not fully occupied by the building to be preserved. Article 11 of the Planning Code, in general, prohibits demolition of Category I and II buildings (and Category III and IV buildings from which development rights have been transferred) unless it can be demonstrated that the buildings have no substantial market value or reasonable use, after taking into account costs of rehabilitation and any development rights transferred. Demolition of Category III and IV buildings from which no development rights have been transferred is generally permitted under Article 11. Transfer of development rights is proposed as part of the project.

The Downtown Plan architectural survey assigned each building a numerical score for 13 categories in four headings that are based on criteria used earlier by Heritage in its survey of Downtown buildings (see below). The Downtown Plan survey also collected planning data such as zoning and floor-area ratio and submitted the information to a five-member review committee that assigned each building to one of the five categories. The existing 949-961 Market Street building is designated a Category V – Unrated Building in the Downtown Plan. The 949-961 Market Street building is not identified in Article 10 of the Planning Code as a City Landmark.

1976 Citywide Survey

Between 1974 and 1976, the San Francisco Planning Department conducted a citywide survey of architecturally significant buildings, rating approximately the best 10 percent of San Francisco's buildings from a low "0" to a high of "5." The inventory assessed the architectural significance of the surveyed structures from the standpoint of overall design and particular design features. Both contemporary and older buildings were included, but historical associations were not considered. Each building was given two numerical ratings, one for architectural quality and one for overall architectural significance, urban design context, and environment significance (the latter rating is most commonly referred to). In the estimation of the inventory participants, buildings rated "3" or higher represent approximately the best two percent of the City's architecture. The 949-961 Market Street building was rated as a "0" (average significance) in the 1976 citywide survey.

Unreinforced Masonry Building Ordinance

In 1993, the City adopted the Unreinforced Masonry Building (UMB) Seismic Retrofit Program with the primary goal of reducing earthquake-related life safety hazards associated with the approximately 2,100 UMBs in San Francisco. Buildings strengthened according to the UMB Ordinance are intended to avoid or substantially reduce loss of life and serious injury to occupants due to structural failure in an earthquake, but may not fully comply with current codes for new construction. As a result, even if brought into compliance with the UMB Ordinance, these buildings are nonetheless expected to sustain damage because strengthening in accordance with the UMB Ordinance does not result in structural integrity akin to that of new construction.

Beyond life safety protection, among the other goals of the UMB retrofit program is protection and retention of existing UMBs with architectural merit. The program includes adoption of Architectural Guidelines for retrofit of UMBs. The Planning Code expressly recognizes these guidelines in Section 1111.1, which declares that an alteration of a Significant or Contributory Building under Article 11, or of a building in a conservation district, shall not be considered a Major Alteration if:

The sole purpose and effect of the alteration is to comply with the UMB Seismic Retrofit Ordinances and the Zoning Administrator determines that the proposed work complies with the UMB Retrofit Architectural Design Guidelines. . . .

The San Francisco Department of Building Inspection (DBI) has compiled a list of approximately 2,070 UMBs in the City. Of these, about 1,650 are subject to the UMB Ordinance, which requires that these buildings be seismically strengthened by a deadline (from 1997 to 2006) that is based on the "risk level" to which each building is assigned, or be demolished. Of the 1,650 buildings, about 410 have been upgraded and another 335 have been granted permits. Upgrading plans for about 130 additional

buildings are under review by DBI. Fifteen buildings have received extensions of time for compliance. About 750 UMBs await action under the ordinance.¹⁰ About 55 buildings have been demolished.

The 949-961 Market Street building is a UMB that falls within Risk Level 3, meaning that retrofit must be completed by February 15, 2004, or the building must be demolished.

IMPACTS

SIGNIFICANCE CRITERIA

CEQA Section 21084.1 states that “a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” A “historical resource” is defined as one that is listed in, or determined eligible for listing in, the California Register of Historical Resources. In addition, a resource that (i) is identified as significant in a local register of historical resources, such as Article 10 and Article 11 of the San Francisco Planning Code, or (ii) is deemed significant due to its identification in an historical resources survey meeting the requirements of Public Resources Code Section 5024.1(g), is presumed to be historically significant unless a preponderance of evidence demonstrates otherwise. Finally, CEQA Section 21084.1 permits a lead agency to determine that a resource constitutes a historical resource even if the resource does not meet the foregoing criteria. A “substantial adverse change” is defined by CEQA Guidelines Section 15064.5 as “demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.”

IMPACT ASSESSMENT

The proposed project would result in the demolition of the existing 949-961 Market Street building. As noted above, the 949-961 Market Street building has been given the following historical ratings: Office of Historic Preservation database of historic resources, 3S (appears eligible for separate listing on the *National Register of Historic Places*); San Francisco Architectural Heritage, B (Major Importance); Article 11, San Francisco Downtown Plan, V (unrated); and the 1976 Citywide Survey, 0 (average significance).

The 949-961 Market Street building appears in the State Historic Resources Inventory, but is not listed in a local register of historical resources as defined by Public Resources Code Section 5020.1. The building is listed in the Heritage survey, which found the building to be of “Major Importance,” but has been given a rating of V in the Downtown Plan. Heritage challenged the rating assigned by the Planning Department and filed a request to reclassify 949-961 Market as a Category III (contributory) building.¹¹

¹⁰ The remaining 369 UMBs are exempt from the ordinance for varying reasons: 108 were strengthened prior to adoption of the ordinance; 65 are residential buildings of fewer than five units; 15 are subject to the separate provisions of the Field Act, which governs public school facilities; and 181 buildings on the Department of Building Inspection list of UMBs have been determined to consist of brick infill within steel or concrete frame walls. Information current as of January 31, 1999, as provided by Major & UMB Plan Check Division, San Francisco Department of Building Inspection.

¹¹ Information pertaining to this case may be obtained at the San Francisco Planning Department, File No. 85.630G, February 20, 1986.

After consideration of the information provided by Heritage in support of its request, the Planning Department reiterated its judgement that the structure does not meet the standards for Category III buildings, and reaffirmed the Category V rating. A full hearing was held by the Landmarks Preservation Advisory Board, and the Board voted unanimously to sustain the rating. Heritage appealed the unanimous decision to the City Planning Commission. After a full hearing, the Planning Commission rejected the request for full designation.

Because no study had been conducted to determine if the property is eligible for listing in the National Register or the California Register, the independent architectural firm of Page and Turnbull conducted its own analysis of the project site and determined that the 949-961 Market Street building would not be eligible for listing in the National Register or the California Register. The historic resources report found that the property does have close links with “broad patterns of local history” (Criterion A) due to its historical importance as a premiere theatre and entertainment complex in downtown San Francisco and was “associated with the lives of persons significant in our past” (Criterion B) due to Sid Grauman’s affiliation with the theater. The building was found to have originally embodied the characteristics of “a type, period, and method of construction” and it may be argued that it once represented the “work of a master” and possessed “high artistic value” (Criterion C). However, due to alterations that took place beginning in 1925 and subsequently in 1968, the building no longer possesses sufficient integrity in terms of its periods of significance for eligibility for listing in the National Register or the California Register. As such, the 949-961 Market Street building does not meet the definition of an historical resource under CEQA and therefore its demolition would not be considered a significant adverse environmental effect.

C. VISUAL QUALITY

As stated in the Initial Study, the project would not result in significant impacts related to visual quality and urban design. However, the following informational discussion, drawn primarily from the Initial Study and supplemented with additional images (Figures 9 and 10), is provided for purposes of placing the project in context for the reader.

SETTING

The project site is occupied by a 1910 building with two wings, a 40-foot-high north wing and a 66-foot-high south wing. Small-scale retail establishments, all of which are now vacant, occupied the north wing of the structure, and the St. Francis Theater located at the rear-end of the lot occupied the south wing. The structure has frontages on Market Street and Stevenson Street, a paved alley at the rear of the project site. The two-story theatre was originally a large version of an enframed window wall composition with a great deal of stained glass. Currently, signage related to the former theater uses (e.g., the marquee) obstructs many of the building's original design elements such as its window section on the Market Street facade. However, some of the building's Renaissance and Baroque ornamentation is still visible, primarily in the cornice. The building surface is covered with a variety of materials, including terra cotta, stucco and metal cladding.

The 949-961 Market Street building does not have a cohesive and orderly architectural style due to its numerous past tenants and renovations since the building's construction. Former ground-floor commercial uses have incorporated their own individual design elements to the Market Street frontage. There is no design consistency in the entrances, awnings, or signage on the building as a whole. Visually, the Market Street facade is a hodge-podge of elements that interrupt the building's former architectural rhythm. For example, the second floor fenestration is irregular and does not respond to the original fenestration patterns of the windows above. Furthermore, three distinct awning types, a plain sand-stone awning, a hunter green awning above the former Snack Station Deli, and a blue and white striped awning adjacent to the theatre entrance detract from any visual continuity of the ground-floor retail spaces.

Blue wooden boards now cover the entrance to the former theatre on Market Street, and two large marquees cover much of the western portion of the facade. In the center of the structure above the theatre entrance, long wooden beams that once displayed the name of one of the building's businesses are affixed to the facade's original window section. At present, only the faint shadow of the lettering can be seen on the wooden sign. The building's original cornice, constructed of white plaster, still spans the horizontal length of the building. Due to the former mix of commercial uses and the inconsistency in their design elements to one another, prior renovations, and subsequent vacancies in the 949-961 Market Street building, the building appears visibly deteriorated.

Building heights along the south side of the 900 block of Market Street range from 16 feet to 190 feet. In the broader vicinity, building heights average 65 to 80 feet. Due to the intervening development and



View of project site looking southeast down Market Street.



View from Market Street looking west to project site.

SOURCE: Environmental Science Associates

949 Market Street / 200605 ■

Figure 9
Existing Views of the Project Site



View from Market Street looking south to project site.



View of project site looking east on Stevenson Street.

limited viewing perspectives, the two wings of the structure on the project site appear as one when viewed from Market Street and surrounding locations. From short-range views, the project site is visible from perspectives along the block of Market Street on which the site is located, as well as along streets north of Market Street, such as Mason and Taylor Streets. Because of surrounding development south of the project site on Mission Street and street trees along pedestrian right-of-ways on Market Street, the project site is not readily visible from most mid-range and long-range viewpoints.

Public open spaces in the greater vicinity of the project site include Hallidie Plaza, United Nations Plaza and Boedekker Park. Hallidie Plaza is located roughly one block northeast of the project site at the foot of Powell Street where it intersects Market Street. United Nations Plaza is a long, rectangular public open space that connects Civic Center Plaza to Market Street. Boedekker Park is located in the Tenderloin neighborhood roughly four blocks northwest of the project site and is bounded by Jones, Eddy, Taylor and Turk Streets. The project site is visible from Hallidie Plaza as well as from the United Nations Plaza; however, due to the intensity of development along Market Street, the project site is less discernable as a single structure and could be interpreted more in terms of its context within the development occurring on the entire block. Views of the project site are not readily available from Boedekker Park.

IMPACTS

SIGNIFICANCE CRITERIA

Based on Appendix G of the *CEQA Guidelines*, the project could have a significant effect on the environment if it would:

- have a substantial effect on a scenic vista;
- substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- substantially degrade the existing visual character or quality of the site and its surroundings; or
- create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

IMPACT ANALYSIS

The proposed project would result in a visual change since it would demolish the existing structure dating from 1910, and construct a substantially larger 12-story (plus basement and mechanical penthouse) modern residential building. At a height of 119 feet, the proposed project would be 53 to 79 feet taller than the existing structure on the project site, but would be similar in height to other structures in the vicinity, such as the 190-foot commercial building located at the corner of Sixth and Market Streets (997 Market), the 103-foot-tall Golden Gate Theater building at the intersection of Taylor Street and Golden Gate Avenue, and the 90-foot-tall residential development at 100 Jones Street.

The proposed building would be a steel-frame structure with a variety of cladding materials including finished plaster, limestone and glass. The building's massing would incorporate a classical tripartite proportioning system with a base, middle and top. The proposed building includes representative architectural styles drawing from the Classical (such as the building's massing system and rowlock arches over the main entrance), International Style (such as grills and fenestration panels), and Regional (such as protruding window bays).

The proposed 119-foot-tall residential over ground-floor retail structure would be a substantial visual addition to the south side of the 900 block of Market Street. The proposed building would be the second tallest structure on the block, being shorter only than the 190-foot-tall International Style office building located on the southeastern corner of Market and Sixth Streets. The proposed project's contemporary architecture would vary stylistically from the existing structure on the project site. Although visual quality is subjective, given the proposed exterior materials and the fact that the proposed project would be within a group of nearby buildings of varying height and bulk, it cannot be concluded that the proposed building would result in a substantial, demonstrable negative aesthetic effect, or that it would substantially degrade the existing visual character of the site and its surroundings.

Visual changes on the site would not substantially change or block any scenic vista currently enjoyed from public open spaces in the area. The proposed project would be constructed within a densely built urban area. From long-range vantage points, such as Twin Peaks and Portrero Hill, the proposed project would be consistent with the context of other nearby buildings. When viewed from Hallidie Plaza, one block northeast of the project site, the proposed project would appear as part of the nearly continuous street wall of densely built commercial structures along Market Street. Although the additional height would be visible from surrounding buildings, the project would not obstruct any publicly accessible scenic views, nor would it have a substantial adverse effect on a scenic vista.

The proposed project would likely increase the amount of light emitted from the site as a result of the increased intensity of use of the site (i.e., a larger building with more sources of light and more people using the site), but would not substantially increase ambient light levels in the project area. Further, light and glare produced from the proposed project would be typical of residential structures nearby and throughout the City. The proposed project would not produce obtrusive glare that would substantially affect other properties and would comply with Planning Commission Resolution 9212, which prohibits the use of mirrored or reflective glass. In light of the above, the proposed project would not result in significant impacts related to visual quality and urban design.

D. TRANSPORTATION

A transportation study was prepared for the project and is summarized here.¹²

SETTING

Within the project vicinity, Fourth, Fifth, Sixth, Seventh, Turk, Golden Gate, Howard and Folsom Streets are designated in the Transportation Element as Major Arterials, which the General Plan defines as “cross-town thoroughfares whose primary function is to link districts within the City and to distribute traffic from and to the freeways.” Market and Mission Streets are Transit Preferential Streets, which emphasize “moving transit vehicles,” with impacts on automobile traffic a “secondary concern.” The General Plan also classifies Market and Mission Streets as Citywide Pedestrian Network Streets, which are inter-neighborhood connections with “citywide significance,” including both exclusive pedestrian and pedestrian-oriented vehicular streets, in addition to Neighborhood Commercial Streets, which are streets classified as having a “commercial use with parking and loading conflicts.” Market, Howard, Folsom, Fifth and Seventh Streets are designated as Citywide Bicycle Routes in the Transportation Element of the General Plan. All of the major intersections in the vicinity of the project site are traffic signal controlled.

Market Street is a two-way arterial that runs in a east-west direction¹³ and has two travel lanes in each direction in the vicinity of the project. West of Fifth Street, one of the travel lanes in each direction is reserved for transit vehicles only. Stevenson Street is an east-west alleyway located between Market and Mission Streets and runs discontinuously between First and Tenth Streets. In the vicinity of the project site, Stevenson Street operates one-way in an eastbound direction. Between Fifth and Sixth Streets, Stevenson Street has seven-foot-wide sidewalks on both sides, plus on-street unmetered parking on its south side. Mission Street is a four-lane arterial that runs in an east-west direction between the Embarcadero and Van Ness Avenue, and continues in a north-south direction west of Van Ness Avenue. In the vicinity of the project site, left-turns from Mission are prohibited except for buses and taxis.

Fifth Street runs in a north-south direction between Market Street and Townsend Street. Fifth Street operates both north- and southbound and has two lanes in each direction. North of Market Street, Fifth Street becomes Cyril Magnin Street. Fifth Street has on-street metered parking and 10-foot-wide sidewalks on both sides of the street near to the project site. Sixth Street is a north-south roadway operating between Market and Brannan Streets, where it turns into on- and off-ramps for Interstate 280 (I-280). North of Market Street, Sixth Street connects with Taylor Street and Golden Gate Avenue. Sixth Street operates both north- and southbound and has two lanes in each direction, with on-street metered parking generally provided on both sides.

¹² Wilbur Smith Associates. *949 Market Street Transportation Study*. October 24, 2001. This report is available for review by appointment at the San Francisco Planning Department, 1660 Mission Street, Fifth Floor, as part of Project File No. 00.965!.

¹³ Market Street and the streets that run parallel to it actually run in a northeast-southwest direction, but, for the sake of ease, are typically referred to as running east-west and streets running perpendicular are referred to as running north-south.

Currently, stops for 17 San Francisco Municipal Railway (MUNI) bus lines, six light rail (MUNI Metro), and two cable car lines are within two blocks of the project site. The nearest Bay Area Rapid Transit (BART) and MUNI Metro station is located at Powell Street on Market Street, directly east of the site. Cable cars operate at Hallidie Plaza at the foot of Powell Street at Market Street. Regional bus service is provided by Alameda County (AC) Transit and is accessible at the Transbay Transit Terminal approximately one mile from the site (a 20-minute walk); the 27-Bryant bus line provides access from the site to the Transbay Terminal. SamTrans and Golden Gate Transit are accessible near the Civic Center BART/MUNI Metro station near Eighth and Mission Streets. The San Francisco Caltrain terminal, located at Fourth and Townsend Streets, is approximately one mile southeast of the project site.

Surveys of existing public off-street parking capacity and occupancy were taken in the area bounded by Market Street up to Jones and Eddy Streets to the north, Fourth Street to the east, Seventh Street to the west, and Howard Street to the south. There are approximately 3,815 off-street parking spaces available to the general public within the study area, with weekday evening occupancy levels at about 40 percent. On-street parking in the project area is available, although generally well-utilized.

Based on field observations of sidewalk and crosswalk conditions on the project block, both were observed to be operating at acceptable conditions, with pedestrians moving at normal walking speeds and with freedom to bypass other pedestrians.

IMPACTS

SIGNIFICANCE CRITERIA

A project is considered to have a significant effect on the environment if it would cause an intersection to deteriorate to an unacceptable level (i.e., from LOS D¹⁴ or better to LOS E or F or from LOS E to LOS F), interfere with existing transportation systems causing substantial alteration to circulation patterns or causing major traffic hazards, or contribute substantially to cumulative traffic increases that cause intersections to deteriorate to unacceptable levels. A project would have a significant effect if it would cause a substantial increase in transit demand that cannot be accommodated by existing or proposed transit capacity, resulting in unacceptable levels of transit service.

Under the California Environmental Quality Act (CEQA) Section 15360, the term environment refers to “the physical conditions which exist in the area which will be affected by the proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance.” Increased parking demand and parking shortfalls are considered social effects and not environmental impacts based on CEQA’s definition of the environment. Therefore, the creation of or increase in parking demand resulting from a proposed project that cannot be met by existing or proposed parking

¹⁴ Traffic operations are characterized using a p.m. peak-hour level of service (LOS) analysis, which provides a standardized means of rating an intersection’s operating characteristics on the basis of traffic volumes, intersection capacity and delays. LOS A represents free-flow conditions, with little or no delay, while LOS F represents congested conditions, with extremely long delays; LOS D (moderately high delays) is considered the lowest acceptable level in San Francisco.

facilities would not itself be considered a significant effect. The City has not adopted significance criteria for pedestrian or bicycle impacts. For this analysis, the project would have a significant effect if it were to result in substantial pedestrian overcrowding, create particularly hazardous conditions for pedestrians or bicyclists, or otherwise substantially interfere with pedestrian and bicycle accessibility. Generally, construction-period transportation impacts would not be considered significant because they would be temporary.

IMPACT ANALYSIS

Travel Demand Analysis

The project would generate about 2,343 net new person trips per day, with a total of about 314 net new person trips during the p.m. peak hour, of which about 65 would be person vehicle trips (equivalent to about 47 vehicle trips), 136 would be transit trips, and the remaining 112 trips would be walking trips or by other modes such as bicycle, motorcycle and taxi.¹⁵

Traffic Impacts

Seven study intersections in the vicinity of the project site were analyzed for intersection level of service conditions during the weekday p.m. peak period. These intersections include: Market Street at Fifth and Sixth Streets, Mission Street at Fifth and Sixth Streets, Stevenson at Fifth and Sixth Streets, and Sixth Street at Howard Street. Six of the seven study intersections studied currently operate at acceptable (LOS C or better) service levels during the p.m. peak hour. Five of the study intersections operate at LOS C (Mission Street at Fifth Street, and Market, Stevenson, Mission and Howard Streets at Sixth Street), one operates at LOS B (Stevenson/Fifth), and one operates at LOS D (Market/Fifth). With the addition of project traffic (47 p.m. peak-hour trips), operating conditions would change from existing conditions at two of the study intersections. Conditions would worsen from LOS C to LOS D at the intersections of Mission and Fifth Streets and Howard and Sixth Streets, but would remain acceptable. Additional delays of more than just over one second would occur at these intersections. The service levels would remain the same as the existing conditions at the other five study intersections.

Under cumulative (2015) traffic conditions, intersection levels of service would deteriorate from acceptable to unacceptable levels at four intersections. Conditions at three of the four intersections would deteriorate to LOS E, including Mission/Sixth and Howard/Sixth (both of which currently operate at LOS C) and Market/Fifth (which currently operates at LOS D). In addition, the intersection of Mission and Fifth Streets would deteriorate from LOS C to LOS F.¹⁶ The remaining three study intersections would continue to operate at acceptable levels, although conditions would deteriorate from LOS C to LOS D at Market/Sixth and from LOS B to LOS C at Stevenson/Fifth. The intersection of

¹⁵ Travel demand for the proposed project was calculated on the basis of trip generation rates and p.m. peak-hour percentage of daily traffic for residential and retail uses presented in the San Francisco Planning Department, *Interim Transportation Impact Analysis Guidelines for Environmental Review*, January 2000, as cited in *949 Market Street Transportation Study*, Wilbur Smith Associates, October 24, 2001.

¹⁶ It should be noted that long-term cumulative conditions are projected and would occur as described above if all cumulative projects are built.

Stevenson/Sixth would remain at LOS C under cumulative conditions. Of the four intersections that would deteriorate to unacceptable levels of service, the project would contribute no more than 3.7 percent to the increased traffic volumes. As such, the project's contribution to conditions at those intersections would be considered less-than-significant.

As such, the project would not result in significant effects to intersection levels of service under existing plus project or under cumulative conditions.

Transit

The project would generate approximately 136 net new p.m. peak-hour transit trips that would be dispersed over the 25 MUNI routes that serve the project area. Project transit ridership would incrementally increase p.m. peak-period capacity utilization¹⁷ on the MUNI bus and rail lines that serve the project area. Overall, it is anticipated that the new transit trips generated by the proposed project could be accommodated within the existing transit service. Thus, the project would not result in a significant transit impact.

Project ridership on regional carriers would total about 25 (some riders would also take MUNI), with about 60 percent travelling to the East Bay on BART and AC Transit, 10 percent travelling to the North Bay on Golden Gate Transit, and the remaining 30 percent travelling to the South Bay on Caltrain. Project transit trips would not measurably affect p.m. peak-period capacity utilization on BART service to the East Bay or Peninsula, AC Transit, Golden Gate Transit, SamTrans, or Caltrain. None of the regional carriers' capacity utilization standards would be exceeded with project transit trips.

Under cumulative 2015 conditions, MUNI and regional carriers would similarly continue to have adequate capacity to accommodate trips (most of which would be in-bound) associated with the proposed project. Thus, the project would not result in a significant impact associated with cumulative transit conditions.

Parking

The proposed project would provide 158 off-street parking spaces (including 99 self-park, 6 handicap, and 53 valet). The project would require Conditional Use authorization pursuant to Section 303 of the Planning Code because it would exceed the requirement of one parking space for every four residential units as established by Section 151, Required Off-Street Parking Spaces. The project's six spaces for disabled-accessible parking would meet the minimum of the six disabled-accessible spaces required by Planning Code Section 155(i). The project's 12 bicycle parking spaces would meet the requirements of Planning Code Section 155.2(c)(1) and (2).

Parking access to the proposed two-and-a-half-level (basement, half of ground floor plus second level) parking garage would be through a single entrance/exit on Stevenson Street. The project would generate

¹⁷ Capacity utilization is the aggregate number of passengers divided by the aggregate design capacity of the transit vehicles, and may include varying numbers of standees, depending on the transit carrier.

demand for 203 parking spaces, of which 183 would be long-term residential demand, 5 would be long-term retail demand, and 15 would be short-term retail demand. As stated above, the project includes approximately 158 parking spaces (including the valet spaces), which would be 45 spaces less than the proposed project's parking demand.

The peak parking demand for residential uses typically occurs overnight. A survey of parking conditions in the area indicates that off-street parking facilities are 40 percent occupied during weekday evening hours, suggesting that approximately 2,300 spaces would be available during this period. During the same period, the nearby on-street parking is generally fully occupied. Overall, there would be expected to be sufficient public parking in the vicinity of the project site to accommodate the project's overnight parking demand.

A survey of on-street parking in the project vicinity during weekday midday hours indicates that 70 to 80 percent of such spaces are occupied, whereas off-street parking facilities operate at about 80 to 90 percent. As such, there would be capacity to accommodate the demand for 20 parking spaces from the proposed retail uses during the weekday midday. Thus, the project would not result in a significant impact associated with parking.

Loading

Under Planning Code Section 152, the proposed project would be required to provide one off-street (standard truck) freight loading spaces for the proposed residential land use. In addition, since the project is in a C-3 District of downtown San Francisco, the loading space would be required to include a loading dock and direct connection to a freight elevator. The proposed project would provide an off-street loading area off Stevenson Street, which would provide space for one service vehicle or delivery van. The proposed loading space would meet the minimum dimensions as required by the Planning Code, but would not meet the Code requirement for providing a freight loading dock and a direct connection to a freight elevator (Section 155(1)(f)). Thus, the sponsor would be required to seek a variance to Section 155(1)(f).

The project would generate a loading demand for less than one space during an average hour and during the peak hour of average loading activities. As such, the loading area would meet the anticipated demand for loading spaces. In total, there would be about seven delivery/service vehicle trips per day. The project would not result in a significant impact associated with loading facilities.

Pedestrian and Bicycle Conditions

Pedestrian trips generated by the proposed project would include walk trips to and from the project site, plus walk trips to nearby parking facilities and transit operators. Overall, the proposed project would add around 200 pedestrian trips during the weekday p.m. peak hour. It is anticipated that most of pedestrian trips generated by the project during this time period would be along Market Street (destined to or from transit or nearby retail/restaurant/entertainment uses). Since the proposed residential lobby would be located off of Market Street, it is anticipated that few project-related pedestrian trips would occur on the

sidewalks on Stevenson Street. Overall it is anticipated that new pedestrian trips could be accommodated within the existing sidewalks and crosswalks adjacent to the project site and would not substantially affect the current pedestrian operating conditions.

There are three designated Citywide Bicycle Routes in the project vicinity (on Market, Fifth and Seventh Streets). The proposed project would result in an increase in bicycle activity in the area and some portion of the 112 p.m. peak-hour “walk/other” trips would be new bicycle trips to the area. An additional 112 bicyclists (assuming conservatively that all of the 112 “walk/other” trips were bicycles) in the area during the p.m. peak hour would not increase bicycle activity beyond the current moderate levels. As such, there would be no bicycle-related significant impacts.

Construction Impacts

During the projected 18-month construction period, temporary and intermittent traffic and transit impacts would result from truck movements to and from the project site. Construction staging would occur within the project site and the adjacent sidewalks on Market and Stevenson Streets. To maintain pedestrian pathways along both streets, temporary pedestrian walkways would need to be established for the entire length of the project site. It is anticipated that the remainder of the Market Street sidewalk would be available for continued pedestrian operations.

An average of two to ten trucks per day, with a maximum of 40 trucks and 120 construction workers, would be at the site during the heaviest stages of construction. No regular traffic lanes would need to be closed during construction. However, if it is determined that temporary traffic lane closures would be needed, the closures would be coordinated with the City to minimize the effects on local traffic. A majority of construction-related traffic would use I-80/US 101 (Fifth and Seventh Street ramps) to and from the project site. Since Stevenson Street is one-way eastbound, all truck traffic would need to enter the site from Sixth Street and exit to Fifth Street. The impact of construction traffic (which typically occurs from 6:30 a.m. to 5:00 p.m.) would be a temporary lessening of the roadway capacity due to the slower movement and large turning radii of trucks, which could affect both traffic and MUNI operations. Limiting truck movements to the hours of 9:00 a.m. to 3:30 p.m. (or other times, if approved by Department of Parking and Traffic) would minimize disruption of the general traffic flow on adjacent streets during the AM and PM peak periods.

To accommodate construction staging, it may be necessary to close the north side of the sidewalk of Stevenson Street and temporarily limit parking on the south side of the alley. The project sponsor would meet with MUNI, Department of Parking and Traffic, and other responsible agencies to coordinate construction activities so as to minimize construction impacts on vehicular and pedestrian traffic. Parking of construction workers' vehicles could temporarily increase occupancy levels in off-street parking lots or on-street spaces if not all of them could be accommodated on the project site. Construction impacts would be temporary, and would not be significant.

In summary, the project would not result in a significant impact on traffic, transit, circulation or parking.

E. WIND

TESTING METHODOLOGY

Wind impacts are generally caused by large building masses extending substantially above their surroundings, and by buildings oriented such that a large wall catches a prevailing wind, particularly if such a wall includes little or no articulation. The 119-foot project building would add a new structure to the project site that would be 53 to 79 feet taller than the existing structure.

To analyze the potential effects on wind conditions in the project vicinity as a result of the proposed project, a wind tunnel analysis was conducted. The findings of the wind tunnel analysis were presented in a technical memorandum, a summary of which is provided below.¹⁸

Pedestrian-level wind speeds were measured at 22 selected points under existing conditions and conditions with the proposed project in the existing setting to quantify resulting pedestrian-level winds in public spaces near the project site. In accordance with the protocol for wind-tunnel testing in Section 148 of the Planning Code, both scenarios were tested for the northwest, west-northwest, and west wind directions.

SETTING

The existing wind conditions are generally windy, with average wind speeds for all 22 test points being just over 11 miles per hour (mph) equivalent wind speed. Wind speeds in pedestrian areas range from 6 mph to 16 mph. Winds along Market Street range from 11 mph to 14 mph. Winds on Stevenson Street between Fifth and Sixth Streets range from 6 mph to 16 mph. On the west side of Fifth Street, at the intersections of Market and Fifth Streets and Fifth and Stevenson Streets, wind speeds range from 11 mph to 12 mph. Along the east side of Sixth Street, at the intersections of Market and Sixth Streets, and Sixth and Stevenson Streets, wind speeds range from 12 mph to 16 mph. Eleven of the 22 locations meet the Planning Code's pedestrian-comfort criterion value of 11 mph¹⁹ under existing conditions. Wind speeds of 14 mph or more occur at six of the 22 locations: on Market Street (three locations), Sixth Street (two locations), and Mason Street (one location). The highest wind speeds in the vicinity occur west of the project site, where the north side of Stevenson Street meets the east side of Sixth Street. The Planning Code's wind hazard criterion (26 mph) is currently exceeded at that location for a total of 2 hours per year.

¹⁸ This analysis is summarized from a technical memorandum prepared by Environmental Science Associates, December 26, 2000, that is available for public review by appointment at the San Francisco Planning Department, in Project File No. 2000.965E.

¹⁹ Planning Code Section 148 requires buildings to be shaped so as not to cause ground-level wind currents to exceed, more than 10% of the time, 11 mph in substantial pedestrian use areas, and 7 mph in public seating areas. Similarly, the Code requires that buildings not cause equivalent wind speeds to reach or exceed the hazard level of 26 mph as averaged for a single full hour of the year, or 0.011416% of the time. These comfort criteria are based on wind speeds that are measured for one minute and averaged. In contrast, the hazard criterion is based on winds that are measured for one hour and averaged; when stated on the same basis as the comfort criteria winds, the hazard criterion speed is a one-minute average of 36 mph.

IMPACTS

Under project conditions, the average wind speed for all 22 test points would be equally windy; average wind speeds would increase by almost 1 mph to nearly 12 mph. Wind speeds in pedestrian areas would range from 9 mph to 16 mph. Half (11) of the 22 test locations would meet the Planning Code's pedestrian-comfort criterion of 11 mph. Eleven exceedances would continue to exist under project conditions, with one existing exceedance eliminated (at the intersection of Mason, Turk and Market Streets) and one new exceedance created (at the intersection of Mason, on the north side of Market Street).

Overall, wind speeds would increase at 12 locations, remain unchanged at eight locations, and decrease at two locations. The highest wind speeds in the vicinity would continue to occur west of the project site, where the north side of Stevenson Street meets the east side of Sixth Street. However, with the project, the Planning Code's wind hazard criterion would be met at that point compared to existing conditions. While the proposed project would reduce one of the pedestrian comfort criterion exceedances (and would add a new exceedance) as well as eliminating the existing wind hazard exceedance, the project would not eliminate all existing pedestrian comfort criterion exceedances. As such, the project would require approval by the Planning Commission for an exception (as provided for in Planning Code Section 309) from the requirement of Planning Code Section 148 that a proposed building reduce pre-existing wind speed exceedances to meet the pedestrian comfort criterion requirements.

In light of above, the proposed project's effects on wind conditions would not be significant.

F. SHADOW

SETTING

Open space in the project vicinity is limited. The public open spaces nearest to the project site are Hallidie Plaza, at Eddy, Mason and Market Streets, and Boeddecker Park, at Jones and Eddy Streets. The sections of the Planning Code applicable to the potential shadow effects of the project are Section 295 (Sunlight Ordinance), Section 146 (Sunlight Access to Public Sidewalks), and Section 147 (Reduction of Shadows on Publicly Accessible Open Spaces), all of which are discussed below.

SUNLIGHT ORDINANCE

Section 295 of the Planning Code, the Sunlight Ordinance, was adopted through voter approval of Proposition K in November 1994 to protect certain public open spaces from shadowing by new structures. Section 295 prohibits the issuance of building permits for structures or additions to structures greater than 40 feet in height that would shade property under the jurisdiction of or designated to be acquired by the Recreation and Park Commission, during the period from one hour after sunrise to one hour before sunset, unless the Planning and Recreation and Park Commissions determine that such shade would have an insignificant impact on the use of such property.

Boeddecker Park, located more than four blocks northwest of the project site, is protected under Section 295, while Hallidie Plaza, on the block bounded by Eddy, Mason and Market Streets, is under the jurisdiction of the Department of Public Works and is, therefore, not a protected open space under Section 295. There are no other nearby public parks potentially subject to shading by the project.

SUNLIGHT ACCESS TO PUBLIC SIDEWALKS

Planning Code Section 146 specifies that for certain new structures and additions to existing structures in the C-3 (downtown) zoning districts, projects must not penetrate a sun access plane that is specified to exist above the maximum street wall height. Exceptions to the requirements of Section 146 are permitted, pursuant to Section 309, if: a) the project would cast no net new shadow because existing buildings already shadow the sidewalks in question; or b) the net new shadow is deemed insignificant due to its limited extent or duration or because the location(s) shaded are subject to limited public use. The project site is located along a street segment subject to Section 146, namely the south side of Market Street from Tenth to Second Streets. The south side of the Market Street segment has a required sun access angle of 50 degrees above a 119-foot street wall height and is therefore applicable to the proposed project, which includes components that would rise to 135 feet.

REDUCTION OF SHADOWS ON PUBLICLY ACCESSIBLE OPEN SPACES

Planning Code Section 147 specifies that for new structures and additions to existing structures in the C-3 (downtown) zoning districts and in certain South of Market districts, where the building height would

exceed 50 feet, building forms should be shaped to reduce substantial shadow impacts on public plazas and other publicly accessible open spaces other than those protected by Section 295. Section 147 states that efforts to achieve such reductions should be consistent with good design and without unduly restricting development potential of the site. Determinations under this Section with respect to C-3 Districts are to be made in accordance with Section 309. Hallidie Plaza, although not a protected open space under Section 295, would be addressed by Section 147.

IMPACTS

SIGNIFICANCE CRITERIA

Planning Code Section 295 generally prohibits new buildings that would cause significant new shadow on open space under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year. A project would have a significant effect if it would result in new shadow on public open space under the jurisdiction of the Recreation and Park Commission during these hours.

IMPACT ANALYSIS

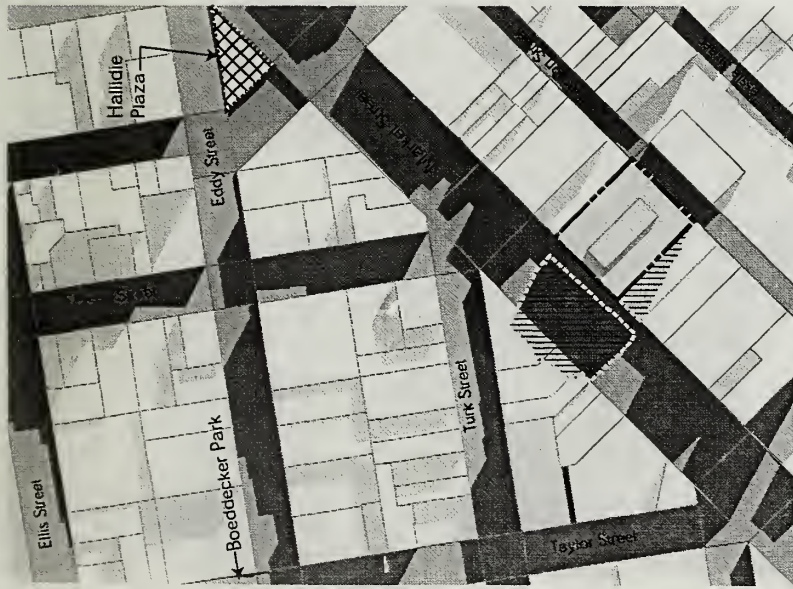
Approach




Figures 11 through 14 show existing and project shadow for representative times of day during the four seasons. In December, on the winter solstice, the sun is at its lowest and shadows are at their longest, while on the summer solstice in June, the sun is at its highest and shadows are at their shortest. Shadows are also shown at the spring equinox, when shadows are midway through a period of shortening, and at the fall equinox, when shadows are midway through a period of lengthening. Shadows on any other day of the year would be within the range of shadows presented in Figures 11 through 14.

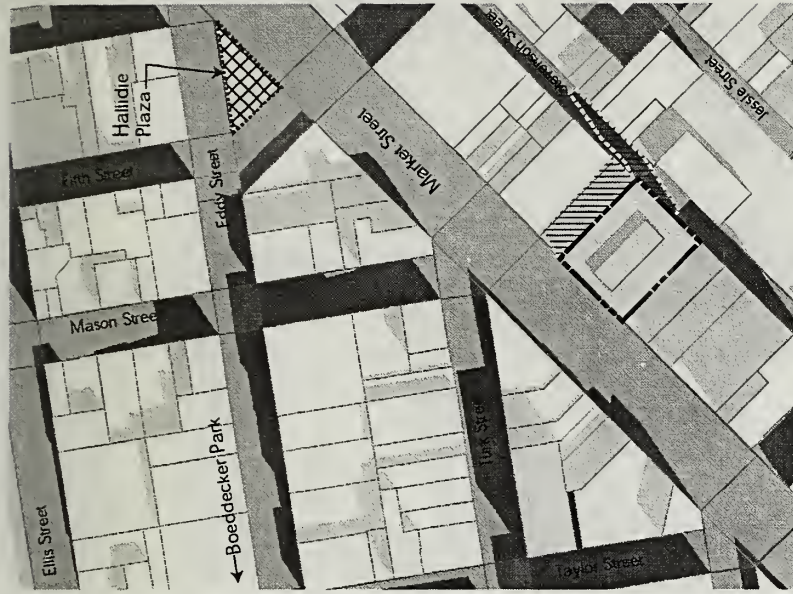
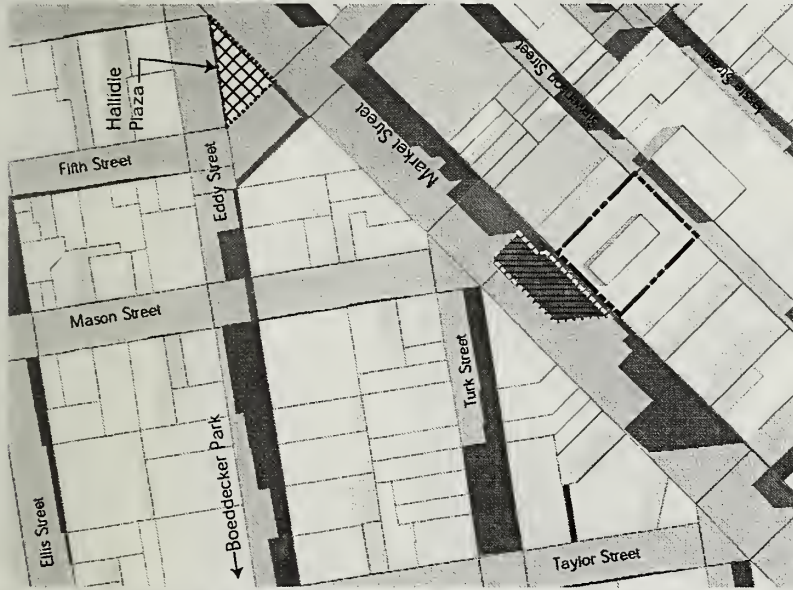
Sunlight Ordinance

The project would not cast new shadow on any open space under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset. The maximum extent of project shadow towards Boeddecker Park would occur early in the morning, one hour after sunrise on December 21 (see Figure 14). At this time of the morning, when the sun is low on the horizon and shadows are long, shadow from the proposed project would extend toward, but would not reach, Boeddecker Park, located northwest of the project site. Therefore, the project would not have any significant effect on shadow on public open space protected by Section 295.

Although Hallidie Plaza is not protected under Section 295, new shadow on the publicly accessible open space is limited by the provisions of Section 147. The shadow analysis indicates that the project would not cast any new shadow on the plaza.



-  Project Boundary
-  Net New Project Shadow
-  Public Open Spaces



SOURCE: Environmental Science Associates

200605 / 949 Market

Figure 11

March 21 Shadow Patterns



SOURCE: Environmental Science Associates

200605 / 949 Market

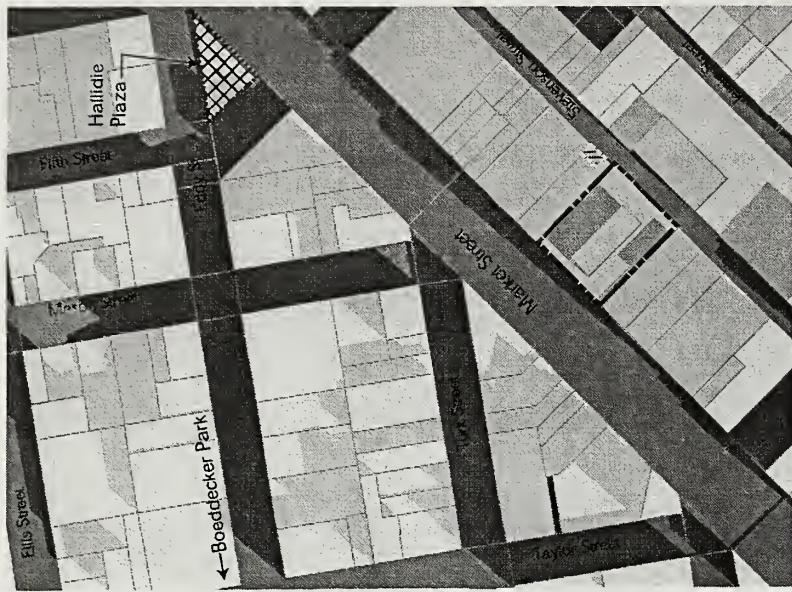
Figure 12
June 21 Shadow Patterns



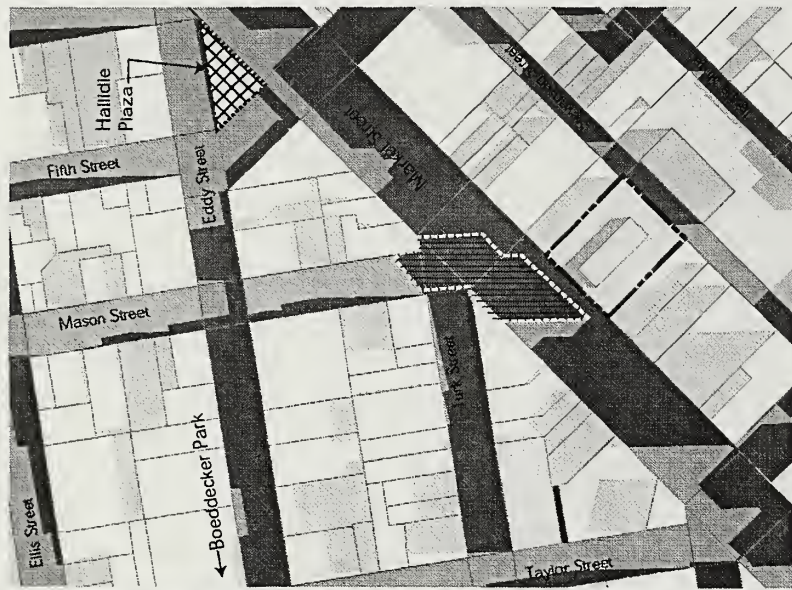
SOURCE: Environmental Science Associates

200605 / 949 Market

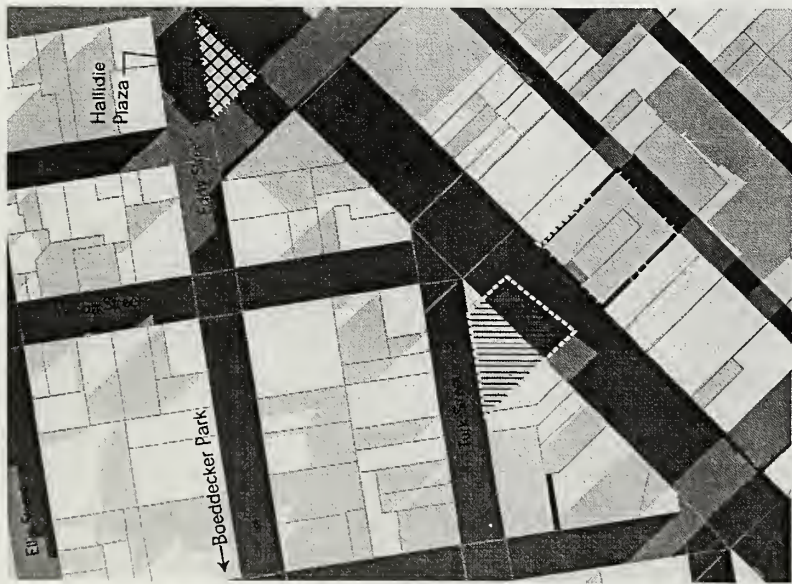
Figure 13
September 21 Shadow Patterns






3 pm



12 noon



9 am

-  Project Boundary
-  Net New Project Shadow
-  Public Open Spaces



SOURCE: Environmental Science Associates

200605 / 949 Market

Figure 14

December 21 Shadow Patterns

Sunlight Access to Public Sidewalks

New project shadow cast on the Market Street sidewalks would fall between the existing shadow from the 995 Market Street building, a 190-foot-tall building at the southwestern corner of Market and Sixth Streets, and the 937 Market Street building, an 80-foot-tall building east of the project site. The design of the proposed project would not comply with the sun access angle requirements (50 degrees above 119 feet) established in Planning Code Section 146. As such, the project sponsor would be required to seek an exception to Section 146, pursuant to Section 309. The extent of new shadow on the sidewalks of Market Street is described below by season.

December 21, Winter Solstice

Under existing conditions at 9:00 a.m., the north sidewalk of Market Street, opposite the project block, is shaded, except for an approximately 202-foot-long portion opposite the project site, while the south sidewalk of Market Street is fully shaded. By noon, the north sidewalk remains in partial sunlight, with approximately 264 feet of sunlit sidewalk, while the south sidewalk continues to remain shaded. At 3:00 p.m., the north sidewalk is in full sunlight, and partial shadow coverage on the south sidewalk extends towards, and slightly into, the Fifth and Market Streets intersection. On the winter solstice, when the sun is lowest on the horizon and shadows are the longest, the greatest amount of shading (both in duration and extent) would occur (see Figure 14).

Under project conditions at 9:00 a.m., the north sidewalk would have approximately 143 feet of additional shadow coverage opposite the project site, and the south sidewalk would remain in full shade. By noon, project shadow would increase by 195 feet over existing conditions, particularly to the east of the project site, covering nearly 3/4 of the north sidewalk currently in sunlight, while shade on the south sidewalk would not increase in extent. At 3:00 p.m., conditions would remain unchanged from existing conditions (see Figure 14).

March 21/September 21, the Equinoxes

The ground trace for shadow coverage on both the spring and fall equinoxes is similar, except that the clock times differ (due partly to daylight savings). The following analysis applies to both equinoxes (see Figures 11 and 13). Under existing conditions at 9:00 a.m., the north sidewalk has approximately 300 feet of sunlight, while the south sidewalk is in full shade. At noon, the north sidewalk is in full sunlight except where shadow from the 995 Market Street building covers an approximately 60-foot-long portion. At this time, the south sidewalk is completely covered by shadow cast by adjacent buildings. At 3:00 p.m., both Market Street sidewalks are in full sunlight, although the north sidewalk quickly becomes shaded by buildings on the north side of Market Street soon after.

Under project conditions, at 9:00 a.m., the north sidewalk would have approximately 180 feet of additional shadow coverage. At this time, shade from the project would cover nearly two-thirds of the north sidewalk currently in sunlight, while the south sidewalk would remain in full shade. By noon, project shadow would extend towards, but would not reach, the north sidewalk, and the south sidewalk would continue to remain

in full shade. At 3:00 p.m., both sidewalks would be in sunlight as under existing conditions (see Figures 11 and 13).

June 21, Summer Solstice

On the summer solstice, the position of the sun allows for the greatest amount of sunlight on sidewalks than during any other season. Under existing conditions, the north sidewalk is in full sunlight and the south sidewalk is in shade at 9:00 a.m. At noon, the north sidewalk remains in sunlight while the south sidewalk has approximately 228 feet of partial sunlight access. At 3:00 p.m., both the north and south sidewalks are in sunlight, although the adjacent buildings opposite the project site quickly shadow portions of the north sidewalk.

Under project conditions, at 9:00 a.m., project shadow would extend onto and partially cover a 160-foot-long segment of the north sidewalk, while the south sidewalk would continue to be in full shade. At noon, conditions on the north sidewalk would remain unchanged from existing conditions (full sunlight) and approximately 146 feet of additional project shadow would cover the south sidewalk adjacent to the project site. At 3:00 p.m., conditions would remain unchanged from the existing conditions for both Market Street sidewalks (see Figure 12).

Summary

In summary, additional shadow from the project would cover the north sidewalk on Market Street between Sixth and Fifth Streets, at various times before noon, year-round. Under existing conditions, the north sidewalk is partially in sunlight at these times, except on the winter solstice when the longer shadows cover nearly all of the Market Street sidewalks. In addition, project shadow would cover an approximately 150-foot-long segment of the south sidewalk adjacent to the project site, currently in partial sunlight, before noon on the summer solstice. However, the additional shadow would occur only before noon, after which conditions within the vicinity of the project would remain unchanged from the existing conditions throughout the late afternoon. The increased shadow coverage would be limited in duration, especially in the spring and summer, and therefore would not substantially affect the perceived quality of sunlight access within the project vicinity or the perceived physical comfort of pedestrians. None of the sidewalk areas that would be affected by the project accommodate temporary or permanent seating. Further, the proposed project would not result in additional shadow on any public open space subject to Planning Code Sections 147 or 295. As a result, the increase in shadow due to the project would not be considered a significant impact.

G. GROWTH INDUCEMENT

In general, a project would be considered growth-inducing if its implementation would result in substantial population increases and/or new development that might not occur if the project were not approved and implemented. The proposed project, the demolition of a vacant theater and retail building and the construction of 152 dwelling units with ground-floor retail space, would not be expected to substantially alter development patterns in Downtown or elsewhere in San Francisco. The net increase in occupied retail floor area would be 7,300 gross square feet, compared to existing conditions in which all the retail space is now vacant. The total net increase in gross floor area compared to existing conditions, accounting for the demolition of the approximately 43,970-square-foot 949-961 Market Street building, would be about 197,230 square feet. This net change would not generate substantial population growth or concentration in the neighborhood, city or region. It would introduce new, additional housing into the project area and neighborhood. Located in an urban area, the project would not necessitate or induce the extension of municipal infrastructure. In view of the above, there is no reason to believe that the project would result in additional development in the project site vicinity that would not otherwise occur.

CHAPTER IV

MITIGATION AND IMPROVEMENT MEASURES

In the course of project planning and design, measures have been identified that would reduce or eliminate potential significant environmental impacts of the proposed project. Some of these measures have been, or would be, voluntarily adopted by the project sponsor or project architect and contractor and thus are proposed by the project sponsor; some are identified by this EIR. Implementation of some may be the responsibility of other agencies. Measures identified by this EIR or those that may have been rejected by the project sponsor may be required by the Planning Commission as conditions of project approval, if the project were to be approved. Each mitigation measure and its status are discussed below.

There are several items required by law that would serve to mitigate potential significant impacts; they are summarized here for informational purposes. These measures include: no use of mirrored glass on the building to reduce glare, per City Planning Commission Resolution 9212; limitation of construction-related noise levels, pursuant to the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code, 1972); compliance with Chapter 36 of the San Francisco Building Code, Work Practices for Exterior Lead-Based Paint; and observance of State and federal OSHA safety requirements related to handling and disposal of other hazardous materials, such as asbestos.

Measures that are not required by legislation but would serve to mitigate significant environmental impacts appear below. Mitigation measures preceded by an asterisk (*) are from the Initial Study (see Appendix A, page A.28). Also provided below are improvement measures that are not required to mitigate significant environmental effects, but which would nonetheless lessen the proposed project's environmental effects.

MITIGATION MEASURES

The mitigation measures provided below are included here to reduce to a less than significant level potentially significant effects associated with the proposed project.

A. CONSTRUCTION AIR QUALITY

- *A.1 The project sponsor would shall the contractor(s) to sprinkle exterior demolition sites with water during demolition, excavation, and construction activity; sprinkle unpaved exterior construction areas with water at least twice per day, or as necessary; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soil, sand, or other such material; and sweep surrounding streets during demolition and construction at least once per day to reduce particulate emissions. Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable

water be used for dust control activities. Therefore, the project sponsor would require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose.

B. GEOLOGY

- *B.1 Geotechnical investigations by a California-licensed geotechnical engineer are included as part of the project. The project sponsor and contractor would follow the recommendations of the final geotechnical report(s) regarding any excavation and construction for the project. The project sponsor would ensure that the construction contractor conducts a pre-construction survey of existing conditions and monitors adjacent building(s) for damage during construction.

C. HAZARDS

Note: The Initial Study for the proposed project (see Appendix A), included Mitigation Measure 3a, an additional Hazards mitigation measure. Measure 3a, which required the sponsor to ensure the proper removal of an identified on-site underground storage tank (UST) and to conduct a related investigation for other on-site tanks in accordance with procedures and standards of the Department of Public Health, is not provided here because the project sponsor has already fulfilled the requirements of this measure. Documentation of the removal of the UST and related work is available for public review by appointment at the San Francisco Planning Department, in Project File No. 2000.965E.

- *C.1 To ensure that workers and the public are not exposed to any potential hazardous materials that may exist in the soil to be disturbed, the construction contractor would ensure that workers who are exposed to soil contact take appropriate safeguards, such as wearing rubber gloves, and other safeguards as may be deemed necessary by DPH. In addition, the contractor would ensure that soil disturbed through construction activities be contained within the immediate area by means such as washing workers' shoes and washing earthmoving equipment (using recycled water as described in Mitigation Measure A.1) prior to workers and equipment leaving the area of soils disturbance. Other dust control measures included in Mitigation Measure A.1 would also serve to prevent the dispersion of potentially contaminated soil.
- *C.2 The project sponsor would ensure that building surveys for polychlorinated biphenyls-containing equipment (including elevator equipment), fluorescent light ballasts, electrical generators, hydraulic oils, and lead-based paint are performed prior to the start of renovation. Hazardous materials discovered during these surveys would be abated according to federal, State, and local laws and regulations. Asbestos-containing materials would be removed and disposed of or encapsulated prior to demolition of the building. Interior friable asbestos-containing materials and any non-friable materials that may be rendered friable would be removed with proper engineering controls designed to prevent fiber release prior to demolition. All asbestos abatement and encapsulation procedures would be performed in accordance with applicable federal and State guidelines. Following removal, friable asbestos containing construction materials must be transported with a uniform hazardous waste manifest to a Class I landfill, or, in small quantities to an approved household hazardous waste transfer station. Equipment identified as containing polychlorinated biphenyls (PCB) oils would be removed and properly disposed. Demolition activities that disturb exterior surfaces containing lead-based paint would comply with Chapter 36

of the San Francisco Building Code for the identification, safe work practices, proper removal methods, and notification.

D. ARCHAEOLOGICAL RESOURCES

- *D.1 Should evidence of archaeological resources of potential significance be found during ground disturbance, the project sponsor shall immediately notify the Environmental Review Officer (ERO) and shall suspend any excavation that the ERO determined could damage such archaeological resources. Excavation or construction activities that might damage discovered cultural resources would be suspended for a total maximum of four weeks over the course of construction.

After notifying the ERO, the project sponsor shall select an archaeologist to assist the Office of Environmental Review in determining the significance of the find. The archaeologist would prepare a draft report containing an assessment of the potential significance of the find and recommendations for what measures should be implemented to minimize potential effects on archaeological resources. Based on this report, the ERO would recommend specific additional mitigation measures to be implemented by the project sponsor.

Mitigation measures might include a site security program, additional on-site investigations by the archaeologist, and/or documentation, preservation, and recovery of cultural materials. Finally, the archaeologist would prepare a draft report documenting the cultural resources that were discovered, an evaluation as to their significance, and a description as to how any archaeological testing, exploration and/or recovery program was conducted.

Copies of all draft reports prepared according to this mitigation measure would be sent first and directly to the ERO for review. Following approval by the ERO, copies of the final report(s) would be sent by the archaeologist directly to the President of the Landmarks Preservation Advisory Board and the California Archaeological Site Survey Northwest Information Center. Three copies of the final archaeology report(s) shall be submitted to the Office of Environmental Review, accompanied by copies of the transmittals documenting distribution to the President of the Landmarks Preservation Advisory Board and the California Archaeological Site Survey Northwest Information Center.

IMPROVEMENT MEASURES

The improvement measures provided below are not included here to reduce to a less than significant level potentially significant effects associated with the proposed project. Instead, these measures are recommended as conditions of approval to minimize already less than significant effects of the project.

A. HISTORICAL RESOURCES

Although this EIR determined that the demolition of the existing 949-961 Market Street building would not constitute a significant effect on historic architectural resources according to CEQA Section 21084.1, the project sponsor could employ the following improvement measure to reduce the effects associated with the proposed action:

- A.1 Prior to the demolition of the 949-961 Market Street building, the project sponsor would employ an architectural historian to submit two copies each of documentation of the building's history, along with photographs and modified-format Historic American Building Survey drawings of the building, to the President of the Landmarks Preservation Board, the Environmental Review Officer, the History Room of the San Francisco Public Library (Main Library), the Northwest Information Center, and the California Historical Society.

B. TRANSPORTATION

- B.1 The project sponsor would restrict project-related construction truck traffic to the hours between 5:00 a.m. and 7:00 a.m. and between 9:00 a.m. to 3:30 p.m., or other hours if approved by the Department of Parking and Traffic (DPT), which would avoid peak-period effects on traffic and transit, and to prohibit staging or unloading of equipment during the periods of 7:00 a.m. to 9:00 a.m. and 3:30 p.m. to 6:00 p.m. The project sponsor has agreed to meet with MUNI, DPT, and other responsible agencies to coordinate construction activities so as to minimize construction impacts on traffic (vehicular and pedestrian).

CHAPTER V

SIGNIFICANT ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

In accordance with Section 21067 of the California Environmental Quality Act (CEQA), and with Sections 15040, 15081 and 15082 of the State CEQA Guidelines, the purpose of this chapter is to identify impacts that could not be eliminated or reduced to an insignificant level by mitigation measures included as part of the project, or by other mitigation measures that could be implemented, as described in Chapter IV, Mitigation and Improvement Measures, pages 62-65.

This chapter is subject to final determination by the Planning Commission as part of its certification process for the EIR. The Final EIR will be revised, if necessary, to reflect the findings of the Commission.

With the implementation of the mitigation measures outlined in Chapter IV, Mitigation and Improvement Measures, pages 62-65, all potential significant impacts would be reduced to a less-than-significant level.

CHAPTER VI

ALTERNATIVES TO THE PROPOSED PROJECT

This chapter identifies alternatives to the proposed project and discusses the environmental impacts associated with each alternative. City decision-makers could adopt any of the following alternatives, if feasible, instead of approving the proposed project.

A. ALTERNATIVE A: NO PROJECT

DESCRIPTION

This alternative would entail no change to the site, which would remain in its existing vacant condition. The existing 949-961 Market Street building would not be demolished, and no housing or retail space would be constructed.

IMPACTS

This alternative would not result in immediate demolition of the 949-961 Market Street building. As described in Section III.B, Historic Architectural Resources, the 949-961 Market Street building must, under the City's Unreinforced Masonry Building (UMB) Ordinance, be retrofitted by 2004, or be demolished. Any subsequently proposed demolition would be subject to separate environmental review. However, upgrading pursuant to the UMB Ordinance does not typically trigger CEQA review.

Unless the 949-961 Market Street building were upgraded to accommodate other tenants, this alternative would not result in any increase in travel to and from the project site, nor would it cast additional shadows on nearby sidewalks, or incrementally increase wind speeds in the vicinity. Effects on visual quality associated with increased building height would not occur. While the existing building lacks sufficient integrity to be deemed a historical resource for purposes of CEQA, this alternative would result in the retention of a building, however unsympathetically altered, that was originally designed by a master architect.

This alternative would not cause any of the impacts described in the Initial Study, such as noticeable increases in on-site population and incremental increases in operational noise and public services demand. Additionally, unless the building were upgraded to accommodate other tenants or demolished pursuant to the UMB Ordinance, there would be no temporary construction impacts, such as noise, dust and construction traffic.

Reoccupancy of this building, either before or after seismic upgrade pursuant to the UMB Ordinance, would generate incrementally greater traffic and air pollutant emissions, compared to existing conditions. However, whether such occupancy or seismic upgrade would occur is speculative at this time.

The No Project Alternative would be environmentally superior to the proposed project, at least over the near term, because it would avoid the environmentally less-than-significant impacts of the proposed project, including immediate demolition of the 949-961 Market Street building. However, the No Project Alternative would not meet any of the project sponsor's objectives.

B. ALTERNATIVE B: PRESERVATION ALTERNATIVE

DESCRIPTION

Under the Preservation Alternative, the existing 949-961 Market Street building would be minimally altered to accommodate retail and residential use, and structurally upgraded to meet Building Code requirements for Unreinforced Masonry Buildings (UMBs).

As described in Section III.B, Historic Architectural Resources, under the City's UMB Ordinance, the 949-961 Street building must be seismically retrofitted by 2004 or be demolished. The UMB Ordinance permits UMBs to be retrofitted to meet a lateral force coefficient that is 75 percent of that required by the Building Code for new buildings. Under the Preservation Alternative, the 949-961 Market Street building would be retrofitted pursuant to the UMB Ordinance, and would not be demolished. Seismic retrofit would be undertaken consistent with the UMB Retrofit Architectural Design Guidelines.

The project site contains an existing vacant structure with a retail wing fronting Market Street and an auditorium wing that formerly housed a theater fronting on Stevenson Street that, together, consist of approximately 44,000 square feet of space. Under the Preservation Alternative, the retail space (approximately 7,200 square feet) fronting on Market Street would remain. The Market Street facade would be restored in a manner consistent with the original design intentions of John Galen Howard.²⁰ That is, the marquee/signage would be removed, and the window glazing, mullions, and pilasters would be restored.

The former theater space fronting Stevenson Street would be renovated and converted to approximately 38 residential units.²¹ New window openings would be provided along the Stevenson Street facade, which is currently void of openings with the exception of several emergency doors. Skylights and common open space would be provided on the roof of the existing building. Off-street parking would be provided on one subterranean level, accessible from Stevenson Street.

²⁰ This alternative would restore the structure to the original period of significance because it is from that period that the building's primary (Market Street) facade elements remain.

²¹ It should be noted that the number of residential units that could be accommodated under this alternative is an unconfirmed estimate that has not been studied for its precise feasibility. As such, the actual number of units that could physically be accommodated in a rehabilitated building could be slightly greater or less than 38.

IMPACTS

The Preservation Alternative would avoid the less-than-significant impacts of the proposed project resulting from demolition of the 949-961 Market Street building. While not a historical resource under CEQA due to its lack of integrity, the existing John Galen Howard-designed building would be retained and restored to the extent feasible, while accommodating new uses.

Because this alternative would result in less floor area than under the proposed project, transportation and air quality impacts would be incrementally less severe than with the proposed project; these effects would be less-than-significant, as with the proposed project. Shadow and wind effects, also less-than-significant with the proposed project, would not occur under this alternative, because there would be no change to the existing building envelope. Visual quality effects would lessen, compared to the proposed project, as there would be no change to the existing building height.

Temporary construction impacts associated with the proposed project, such as noise, dust and construction traffic, would still occur under this alternative because construction activities would take place at the 949-961 Market Street site, but would be incrementally less severe than the less-than-significant impacts of the proposed project, because substantially less demolition work would occur. Hazardous building materials would likely be removed as part of a UMB upgrade, similar to conditions with the proposed project. Other effects described in the Initial Study related to the intensity of development (e.g., increase in employment) would be less intensive than with the proposed project.

The Preservation Alternative would be environmentally superior to the proposed project, because it would reduce the impacts of the immediate demolition of the 949-961 Market Street building and would result in fewer and less intensive effects associated with a smaller development. However, the Preservation Alternative would not meet or would partially meet some of the project sponsor's objectives as a result of providing fewer than 152 residential units, not replacing the existing building with a seismically safer structure, providing a lesser return on investment, and contributing to a lesser degree to enhancing the vitality of the Mid-Market area (due to the fewer number of new residents that would be on the site).

CHAPTER VII

DEIR DISTRIBUTION LIST

A. DEIR DISTRIBUTION

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State Clearinghouse
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Sacramento, CA 95814

Office of Historic Preservation
California Department of Parks and
Recreation
P.O. Box 942896
Sacramento, CA 94296-0001
Attn: Dr. Knox Meelon, SHPO

CITY AND COUNTY OF SAN FRANCISCO

Supervisor Chris Daly
Board of Supervisors
City Hall, Room 244
San Francisco, CA 94102-4689

Department of Building Inspection
1660 Mission Street
San Francisco, CA 94103
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Mayor's Office of Community Devel.
25 Van Ness Ave., Suite 700
San Francisco, Ca 94102
Attn: Pamela David, Director

Marcia Rosen, Director
Mayor's Office of Housing
25 Van Ness Avenue, Suite 600
San Francisco, CA 94102

Maria Ayerdi
Mayor Office of Economic Devel.
City Hall, Room 448
San Francisco, CA 94102

Police Department
Planning Division, Hall of Justice
850 Bryant Street, Room 500
San Francisco, CA 94103
Attn: Capt. Timothy Hettrich

San Francisco Planning Commission
1660 Mission Street
San Francisco, CA 94103
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Anita Theoharis, President
William Fay, Vice President
Hector Chinchilla
Roslyn Baltimore
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San Francisco Dep't. of Public Works
Bureau of Street Use and Mapping
875 Stevenson Street, Room 465
San Francisco, CA 94103
Attn.: Barbara Moy

San Francisco Dep't. of Pkg. & Traffic
Traffic Engineering Division
25 Van Ness Avenue
San Francisco, CA 94102
Attn: Bond Yee

San Francisco Fire Department
Division of Planning & Research
698 Second Street
San Francisco, CA 94107
Attn: Lorrie Kalos, Asst. Deputy Chief

San Francisco Municipal Railway
MUNI Planning Division
949 Presidio Avenue, Room 204
San Francisco, CA 94115
Attn: Peter Straus

Landmarks Preservation Advisory Bd.
1660 Mission Street
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Attn: John Elberling

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San Francisco Architectural Heritage
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San Francisco, CA 94111
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California Archaeological Inventory
Department of Anthropology
Sonoma State University
Rohnert Park, CA 94928
Attn: Christian Gerike

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Association of Bay Area Governments
P.O. Box 2050
Oakland, CA 94604-2050
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Association of Bay Area Governments
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Bay Area Air Quality Management
District
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San Francisco, CA 94109
Attn: Joseph Steinberger

Metropolitan Transportation
Commission
101 8th Street
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Attn: Craig Goldblatt

CITY AND COUNTY OF SAN FRANCISCO

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San Francisco Tomorrow
1239 46th Avenue
San Francisco, CA 941022

NEIGHBORING PROPERTY OWNERS AND OCCUPANTS

Market Turk Co.
41 Sutter Street, #200
San Francisco, CA 94104-4903

Occupant
950 Market Street, #950
San Francisco, CA 94102

Occupant
954 Market Street, #954
San Francisco, CA 94102

Occupant
958 Market Street, #956
San Francisco, CA 94102

Occupant
960 Market Street, #958
San Francisco, CA 94102

Occupant
962 Market Street, #962
San Francisco, CA 94102

Occupant
964 Market Street, #964
San Francisco, CA 94102

Stephen Fong Etal
938 Coral Drive, #964A
Rodeo, CA 94572-1972

Occupant
966 Market Street
San Francisco, CA 94102

Occupant
968 Market Street, #1
San Francisco, CA 94102

Occupant
968 Market Street, #2
San Francisco, CA 94102

Occupant
970 Market Street
San Francisco, CA 94102

Occupant
45 Turk Street
San Francisco, CA 94102

Mr. & Mrs. Howard Cohn
35 Manderly Rd.
San Rafael, CA 94901-2428

San Francisco Thermal
29 E. Front Street
Youngstown, OH 44503-1439

Occupant
450 Jessie Street
San Francisco, CA 94102

Nordstrom
1501 5th Avenue
Seattle, WA 98101-1603

Market Street Realty Corp
44 Montgomery Street, #3620
San Francisco, CA 94104-4809

Occupant
969 Market Street
San Francisco, CA 94103

The Lurie Co.
555 California Street, #5100
San Francisco, CA 94104-1716

Occupant
951 Market Street
San Francisco, CA 94103

Occupant
953 Market Street
San Francisco, CA 94103

Occupant
955 Market Street
San Francisco, CA 94103

Occupant
961 Market Street
San Francisco, CA 94103

Occupant
965 Market Street
San Francisco, CA 94103

Michael A. Chung
835 Washington Street
San Francisco, CA 94108-1211

Occupant
945 Market Street
San Francisco, CA 94103

Occupant
943 Market Street
San Francisco, CA 94103

● CHAPTER VIII

COMMENTS AND RESPONSES

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| B. LIST OF PERSONS COMMENTING | C&R.2 |
| C. WRITTEN COMMENTS AND RESPONSES | C&R.3 |
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SECTION A

INTRODUCTION

This document contains public comments received on the Draft Environmental Impact Report (DEIR) prepared for the proposed 949 Market Street project, and responses to those comments.

Following this introduction, Section B contains a list of all persons and organizations who submitted written comments on the DEIR and who testified at the public hearing on the DEIR held on December 13, 2001.

Sections C and D contain the comments and responses. Comments are grouped by commenter, rather than by topic, to allow commenters to easily find the responses to their comment(s). As the subject matter of one comment may overlap that of others, the reader may be referred to a prior response.

Section C contains comment letters received during the public review period from November 10 to December 18, 2001, and the responses to each comment. Each substantive comment on the DEIR is labeled with a number in the margin and the response to each comment is presented immediately after the letter containing that comment.

Section D contains transcribed comments made at the public hearing on the DEIR and the responses to each of those comments. Each substantive comment on the DEIR is similarly labeled with a number in the margin, and the responses to each set of comments follow those comments.

Section E contains text changes made to the DEIR subsequent to its publication by the DEIR preparers to correct or clarify information presented in the DEIR. Following Section E is an appendix to this document.

Some comments do not pertain to physical environmental issues, but in some instances responses are included to provide additional information for use by decision makers.

These comments and responses will be incorporated into the Final EIR as a new chapter.

SECTION B

LIST OF PERSONS COMMENTING

Craig Adelman, Tenderloin Neighborhood Development Corporation, letter

Peter Albert, Manager, BART Planning, BART, letter

Patrick Banks, hearing comments

Charles Chase, Executive Director, San Francisco Architectural Heritage, letter

Cynthia Joe, Planning Commissioner, hearing comments

Tim Kelley, President, Landmarks Preservation Advisory Board, letter

Myrna Lim, Planning Commissioner, hearing comments

SECTION C

WRITTEN COMMENTS AND RESPONSES

This chapter includes a copy of the comment letters received during the public review period on the DEIR and responses to those comments. Each substantive comment on the DEIR is labeled with a number in the margin and the response to each comment is presented immediately after the letter containing that comment. Where responses have resulted in changes to the text of the DEIR, these changes will also appear in the Final EIR.



**TENDERLOIN
NEIGHBORHOOD
DEVELOPMENT
CORPORATION**

December 18, 2001

Mr. Paul Maltzer
San Francisco Planning Dept.
1660 Mission Street
San Francisco, CA 94103

RECEIVED

DEC 18 2001

CITY & COUNTY OF S.F.
DEPT. OF CITY PLANNING
ADMINISTRATION



PROVIDING
AFFORDABLE
HOUSING

**Re: 949 Market Street
Draft Environmental Impact Report**

STRENGTHENING
THE COMMUNITY

Dear Mr. Maltzer:

I am writing this letter as a member of the Mid-Market Redevelopment Project Area Committee (MMPAC) in regards to the draft environmental impact report for the proposed development at 949 Market Street.

I strongly support the development of housing in the Mid-Market area, and encourage you to support the project. My comments are in light of the shifting economic climate, recent news about the uncertain future of this development, and an extensive community input process regarding the proposed Mid-Market redevelopment area.

An article that ran last Sunday in the *Chronicle* (12/16/01) confirmed that there is no longer a developer identified for the 949 Market project. This information, coupled with current economic uncertainty and a clearly stated community desire for a broad range of housing types in the area requires that the EIR and the remainder of the entitlement approvals remain as flexible as possible.

My goal as a member of MMPAC is to get desperately needed housing of all types build in our neighborhood – as much and as soon as possible. I am concerned that without a developer, the current project envisioned by the applicant may well change. Factors such as unit size, number of bedrooms, ownership vs. rental, and parking are all subject to changes. While I recognize that the EIR requires a certain degree of specificity, I request that in this and other approvals you maintain maximum flexibility for future changes to the development. In turn, you will minimize the chances that minor changes would result in a new certification or approval process and expedite the development of housing.

I am enclosing a copy of the MMPAC's housing goals and objectives for your information. I thank you for all of your hard work on this and other projects. Please feel free to contact me if you have questions or require additional information.

Sincerely,

Craig Adelman
Project Manager

201 Eddy Street
San Francisco
California 94102-2715
415.776.2151
415.776.3952 FAX
www.tndc.org

[O:\HD\949 MARKET STREET\DEIR LETTER.DOC]

F. Housing & Neighborhood

Goal: *A community that provides for a range of housing types, and which promotes opportunities at all economic rungs of the housing ladder.*

Objectives

New Housing Development

- F1** Promote increased housing density on vacant or underutilized parcels, as appropriate.
- F2** Support the provision of market rate housing to ensure a diversity of income levels in the district.

Rehabilitation

- F3** Promote livable standards for residential hotels in the Project Area in coordination with other City Agencies.
- F4** Minimize the displacement of residents during rehabilitation efforts by ensuring that “permanent housing facilities shall be made available within three years from the time occupants are displaced and that pending the development of such facilities there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement” (California Community Redevelopment Law, Article 9, Section 33412).

Neighborhood Amenities

- F5** Promote and develop community facilities and commercial uses to meet the needs of the area’s residents.

Affordable Housing

- F6** Future affordable housing development will consider actual levels of affordability for area residents and strive to accommodate this population.
- F7** Encourage the development of a diverse range of affordable housing types that target different populations and their needs including family, senior, transitional, supportive, and mixed use housing developments.
- F8** Strategize on how to provide housing for “very, very low-income”, no-income and mid-income populations.

Letter A – CRAIG ADELMAN, TENDERLOIN NEIGHBORHOOD DEVELOPMENT CORPORATION

- A-1) The DEIR was prepared to analyze the potential environmental effects of the project as proposed by the project sponsor. This DEIR would be applicable to alternative projects on this project site that are within the range of the project evaluated in the DEIR.

Additional environmental assessment could be required depending on the manner in which an alternative proposal differed from the proposed project. If the project sponsor makes changes to the proposed project, or a different developer comes forward with a similar proposal after the Final EIR is certified, the Planning Department would evaluate the revised project to determine whether additional environmental assessment would be required. Substantive changes proposed in the project would require preparation of a Subsequent or Supplemental EIR if the changes require major revisions to the EIR and any of the conditions stated in *CEQA Guidelines* Section 15164(a) are triggered. These include the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects. A Subsequent or Supplemental EIR is subject to the same notice and public review requirements as the original EIR. If the Planning Department determines that the project changes would not trigger any of the conditions in *CEQA Guidelines* Section 15164(a), and only minor changes or additions are necessary, an Addendum to the EIR would be prepared. An Addendum need not be circulated for public review but can be included in or attached to the Final EIR (*CEQA Guidelines* Section 15164(c)).

In addition, the commenter's support of the proposed project is noted. Public input regarding the merits of the proposed project may be considered independently of the environmental review process by the Planning Commission at the public hearing on the project approvals, including exceptions pursuant to Planning Code Section 309, Permit Review in C-3 Districts.



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
800 Madison Street - Lake Merritt Station
P.O. Box 12688
Oakland, CA 94604-2688
Telephone (510) 464-6000



WILLIE B. KENNEDY
PRESIDENT

JOEL KELLER
VICE-PRESIDENT

THOMAS E. MARGRO
GENERAL MANAGER

December 7, 2001

San Francisco Planning Department
Office of Environmental Review
1660 Mission Street, 5th Floor
San Francisco, California 94103
Attn: Randall Dean, EIR Coordinator

Re: 00.965E – 949 Market Street Project

Dear Mr. Dean:

DIRECTORS

DAN RICHARD
1ST DISTRICT

JOEL KELLER
2ND DISTRICT

ROY NAKADEGAWA
3RD DISTRICT

CAROLE WARD ALLEN
4TH DISTRICT

PETER W. SNYDER
5TH DISTRICT

THOMAS M. BLALOCK
6TH DISTRICT

WILLIE B. KENNEDY
7TH DISTRICT

JAMES FANG
8TH DISTRICT

TOM RADULOVICH
9TH DISTRICT

Thank you for providing BART with a copy of the Draft Environmental Impact Report for the project at 949 Market Street (00.965E), less than one block from the Powell Street BART Station. Mixed-use development, and in particular, affordable and market-rate housing, are the types of land uses BART's 1998 Strategic Plan seeks to promote at sites adjacent to its stations.

Accordingly, BART planning staff has reviewed studies of the housing and transportation needs in urban environments adjacent to rail transit stations, including UC Berkeley's "Parking Requirements and Housing Affordability: A Case Study of San Francisco (Transportation Research Record, 2000), and the Non-Profit Housing Association of Northern California's 2000 study *Rethinking Residential Parking*. In light of these studies, and BART service in general, we have some comments and questions about the proposed project at 949 Market Street:

Chapter 1's Transportation section estimates 136 pm peak hour transit trips to be "dispersed over 25 MUNI routes". No direct reference is made to BART, even though Powell Street Station is on the same block. The extraordinary transit access from this site, including BART's local and regional service (which will include direct connections to Caltrain at Millbrae and to SF International Airport before this project is complete) merits acknowledgement in this chapter and in the transit trip projections in **Chapter III, Section D (Transportation)** which project only 13 of the 136 transit trips going to BART.

Given the extensive local and regional transit access to the site, an additional reference to the General Plan's Transportation Policy 34.1 and 34.3 should be included in **Chapter II, Section C, page 24:**

- "Regulate Off-Street Parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low automobile ownership in neighborhoods that are well-served by transit and are convenient to neighborhood shopping." (34.1)
- "Permit minimal parking or reduced off-street parking for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets." (34.3)

With these policies, the Conditional Use application for 158 off-street parking spaces, 120 more than would be required by Code, seems inconsistent with the General Plan. Even with the subtraction of the 53 valet spaces, the project provides 105 off-street spaces, almost 3 times the required parking of 38 spaces, which also raises the following questions:

- Do you adjust these provisions, and the demand estimate of 203 spaces (on page 49), to reflect the market support for fewer parking spaces in housing units in this type of location, especially for affordable housing?
- Are the "valet" spaces accessory serving the parking needs of adjacent properties? Isn't this restricted by Code for this District?

- Since no mention of valet parking services, or in providing more than the minimum required parking appears in the "Project Sponsor Objectives" on page 20, why does the project sponsor seek these extra spaces, and how would the Planning Department reconcile this request with its General Plan policies?

3
Cont.

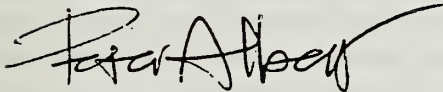
Adding more, and affordable, housing to the City's stock is stated as an objective by both the Project Sponsor and the General Plan. Eliminating the off-street parking on the second floor would allow the developer to add 9 more units and keep at least 102 off-street spaces, increasing the ability to supply affordable housing, whose tenants are far less likely to own an automobile in this location. A pool of shared cars available to the tenants could allow them access to an automobile without increasing parking spaces (a solution already being implemented in the Mission Housing project at Mission Bay North).

4

BART is happy to support the Planning Department in the approving projects that clearly respond to their proximity to BART. In this case and location, we see an opportunity to build more of the "transit-oriented" and affordable housing units we feel are in great need in the Bay Area, and especially, in San Francisco. Please feel free to contact me if you have any questions or comments regarding this letter.

5

Sincerely,



PETER ALBERT
Manager, BART Planning
San Francisco and the West Bay

LETTER B – PETER ALBERT, BART

- B-1) The transportation discussion to which the commenter refers in Chapter I, Summary of the DEIR is a summary of the more thorough transportation discussion included in the DEIR in Section III.D, Transportation, itself a summary of the very detailed *949 Market Street Transportation Study* (October 24, 2001) prepared by Wilbur Smith Associates (this report is available for review by appointment at the San Francisco Planning Department, 1660 Mission Street, Fifth Floor, as part of Project File No. 00.965!). With regards to the proximity of the project site to BART, on page 45 of the DEIR, the Transportation section states: “The nearest Bay Area Rapid Transit (BART) and MUNI Metro station is located at Powell Street on Market Street, directly east of the site.”

The p.m. peak-hour projections of the number of transit trips that would be generated by the proposed project and the distribution of those trips over the various transit service providers (MUNI, BART, Caltrain, AC Transit, Golden Gate Transit) are based on standard trip generation rates and modal splits prescribed by the *San Francisco Interim Transportation Impact Analysis Guidelines for Environmental Review*, January 2000. The DEIR directly addresses project impacts to BART service, stating on page 48:

Project ridership on regional carriers would total about 25 (some riders would also take MUNI), with about 60 percent travelling to the East Bay on BART and AC Transit, 10 percent travelling to the North Bay on Golden Gate Transit, and the remaining 30 percent travelling to the South Bay on Caltrain. Project transit trips would not measurably affect p.m. peak-period capacity utilization on BART service to the East Bay or Peninsula, AC Transit, Golden Gate Transit, SamTrans, or Caltrain. None of the regional carriers’ capacity utilization standards would be exceeded with project transit trips.

In addition, although the transportation analysis prepared for the proposed project assumed that all four of the p.m. peak-hour South Bay transit trips would occur on Caltrain and did not assume any would occur on BART’s future South Bay service, because of the very limited number of South Bay trips the project’s transit impacts would not be substantively different even if all four trips were assumed to use BART rather than Caltrain.

- B-2) While it is true that the language of Policies 34.1 and 34.3 of the Transportation Element of the *San Francisco General Plan* appear to be applicable to the proposed project, they were not included in the DEIR because they are intended to support Objective 34, which pertains only to “residential areas and neighborhood commercial districts.” Although the proposed project is a housing development, the project site is located in the C-3-G, Downtown General-Commercial District, which is considered neither a residential nor a neighborhood commercial district.
- B-3) As noted above in the response to Comment B-2, Policies 34.1 and 34.3 are not applicable to the proposed project. As noted on page 49 of the DEIR, the proposed project’s 158 parking spaces would be 45 spaces less than the projected parking demand. The DEIR’s calculation of the parking demand is based directly on the project’s specific uses of retail and housing, with distinct equations used for each (as described in Appendix G of the *949 Market Street Transportation Study*). As the parking demand calculation relies in part on the trip generation rate for retail, a rate that assumes a

lower vehicle usage level in the highly transit-accessible downtown C-3 district, the calculation partially considers the project's location. Because parking demand rates for residential units are based entirely on the unit size and not the demographic of who may occupy a particular unit, parking demand is not adjusted downward for the below-market-rate "affordable" units included in the project. If the residential parking demand calculations had considered the high transit-accessibility of the project site, residential parking demand would have been determined to be lower. As such, the demand figures presented in the DEIR represent worst-case conditions.

Regarding the valet spaces, the transportation study describes in detail how they would be used. Page 4-4 of the study states: "With valet-assist parking, the 105-self-park spaces would remain self-park, on a first-come, first-serve basis. If these spaces were full drivers could park their vehicles in tandem spaces or within the parking aisles, and leave the keys in the vehicle. Valet-attendants would be on-site 24-hours a day and valet call boxes would be located throughout the garage." At this time, all of the parking proposed as part of the project is intended for use by tenants of the project and would not be accessible to off-site users. Use of on-site parking by off-site users would not be restricted by the Planning Code. Further, one of the additional criteria for conditional use approval of the proposed additional parking spaces, as provided for in Planning Code Section 157(d), is the "availability of the proposed parking to the general public at times when such parking is not needed to serve the use of uses for which it is primarily intended." As such, as part of the conditional use authorization process, the Planning Commission will make a determination as to whether the project meets this criterion and other criteria and whether the project would be generally consistent with the *General Plan*. In addition, the project sponsor considers the inclusion of more than the required number of parking spaces essential to the project's ability "to provide a return on investment," and therefore the provision of the additional spaces is indirectly addressed by the project sponsor's objectives listed on page 21 of the DEIR.

It should be noted that neither a shortage nor a surplus of parking is considered in and of itself to have the potential for significant environmental effects since parking is generally not considered to be a trip generator. A lack or abundance of parking could theoretically have the potential for secondary air quality, noise, and/or traffic congestion effects. With respect to the proposed project, the additional parking spaces not result in noticeable additional physical environmental effects.

- B-4) The commenter's suggestions regarding eliminating some of the off-street parking to allow for a greater number of residential units and providing a shared pool of parking are noted. The commenter's suggested design is not part of the proposed project and thus is not evaluated in the DEIR. Public and agency input regarding the merits of the project design may be considered independently of the environmental review process as part of the conditional use authorization process, which would include a public hearing before the Planning Commission.
- B-5) The commenter's support for transit oriented projects is noted. Public and agency input regarding the merits of the project design may be considered independently of the environmental review process as part of the conditional use authorization process, which would include a public hearing before the Planning Commission.



SAN FRANCISCO
ARCHITECTURAL
HERITAGE



December 17, 2001

Mr. Paul Maltzer, Environmental Review Officer
San Francisco Planning Department
1660 Mission Street, 5th Floor
San Francisco, CA 94103-2414

RE: 949 Market Street
Draft Environmental Impact Report

00.965E

**BOARD OF
DIRECTORS**

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Sue Honig Weinstein
Howard Wong
Charles Edwin Chase, AIA
Executive Director

Dear Mr. Maltzer:

San Francisco Architectural Heritage has reviewed the draft environmental impact report for the above referenced project. We believe additional information is needed to more fully inform the public of the existing conditions and basis for the report's conclusion that the property due to changes and alterations over the building's history has lost its integrity.

Documentation Needed: The extant structures located on the subject site are not fully described. It is important to note there are two structures occupying the proposed development location. Extant building plans and elevations should be included to more fully describe the current resources in question.

Photographs of all exterior elevations including the courtyard surfaces are needed to ascertain the extent to which modifications to the exterior of these buildings have removed character-defining features from the stated period of significance (1910-1917).

The history and architecture of the St. Francisco Theater is referenced in several surveys. It was cited as contributing to the San Francisco Theater & Loft National Register District (1986), Splendid Survivors (1979) and referenced in the Planning Department's Un-reinforced Masonry Building Survey. The DEIR should clarify the location of this site in relationship to the boundaries of the known federal register and local districts.

Building Integrity: There is not sufficient information to ascertain the level of integrity based upon the information presented. The report does not fully describe either in written or graphic form what portions, if any of the current buildings contribute to the period of significance. The extent to which exterior features currently covered by temporary weather protection and signs and interior finishes have been compromised is needed to inform the report's conclusions. We believe it is incumbent upon the project sponsor to better assess, describe and illustrate the current characteristics of the buildings to confirm the loss of integrity argued in the report.

ARCHITECTURAL
HERITAGE

2007 FRANKLIN ST.
SAN FRANCISCO
CALIFORNIA 94109

1

2

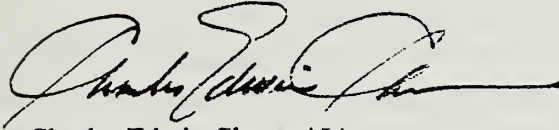
3

Paul Maltzer
December 17, 2001
Page 2

On behalf of the board and membership of San Francisco Architectural Heritage, thank
you for the opportunity to provide our comments.

3
Cont.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Edwin Chase". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Charles Edwin Chase, AIA
Executive Director

CEC/s

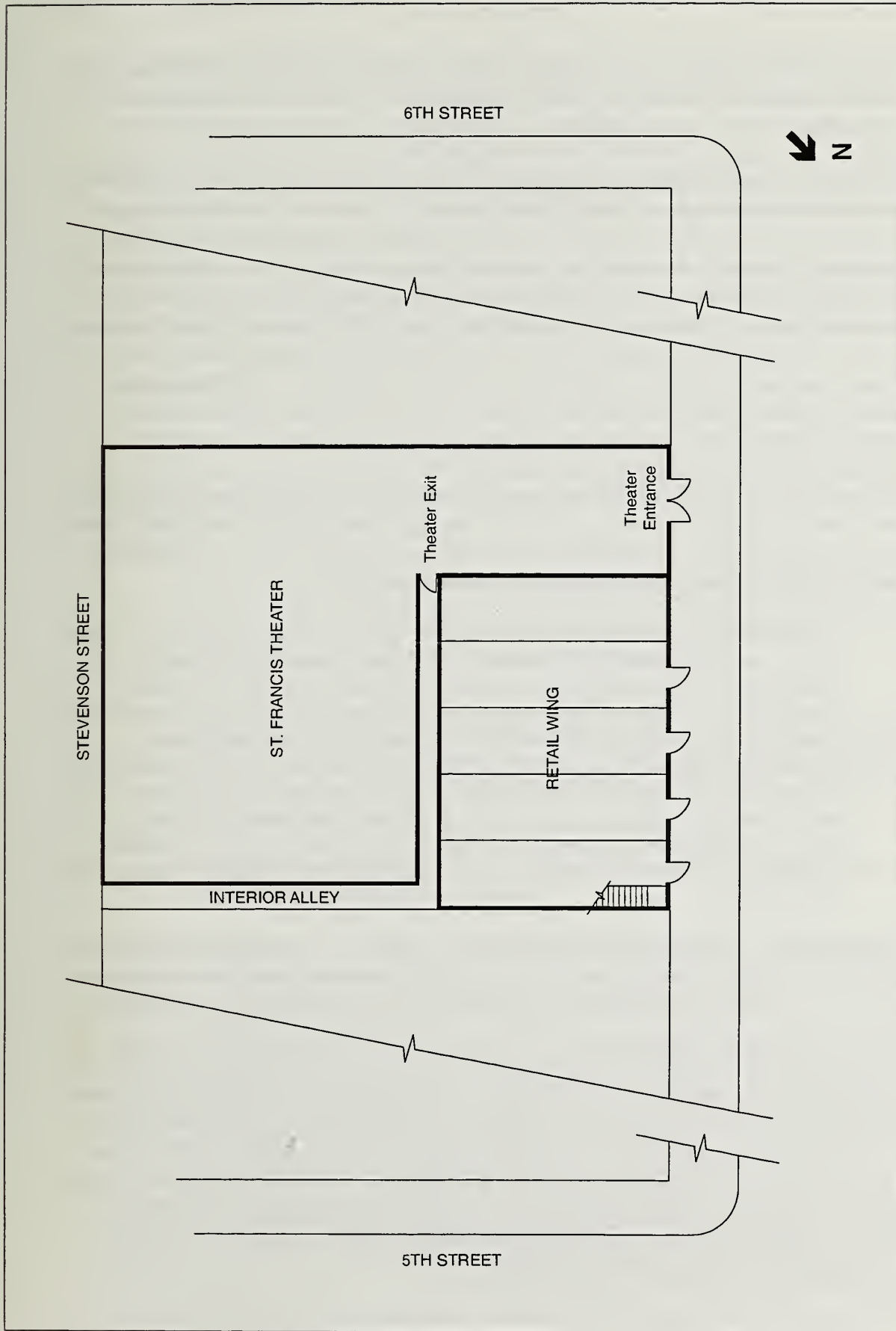
LETTER C – CHARLES CHASE, SAN FRANCISCO ARCHITECTURAL HERITAGE

C-1) As noted on page 28 of the DEIR in footnote 4, the information presented in the historical resources discussion of the DEIR is summarized from the *Historic Resources Study: St. Francis Theater, 949-961 Market Street, San Francisco*, by Page & Turnbull, Inc. (September 5, 2001), (the full text of the report may be viewed by appointment at the San Francisco Planning Department, 1660 Mission Street, Project File No. 2000.965E). The *Historic Resources Study* was prepared specifically to facilitate the California Environmental Quality Act (CEQA) assessment of the existing 949-961 Market Street building, and therefore did not necessarily require detailed documentation of every aspect of the structure. Although no extant building plans or elevations exist that could be clearly reproduced for inclusion in the DEIR, a set of original large-format building plans are available at the Planning Department (these can viewed by appointment at the San Francisco Planning Department, 1660 Mission Street, Project File No. 2000.965E). In addition, a site plan depicting the existing building has been added as Appendix B to the DEIR (provided on the following page).

Regarding the description of the existing building, pages 29-31 of the DEIR provide both exterior and interior descriptions. As stated on page 29, “In plan, the building is composed of two parallel rectangular wings, a north wing (the building’s retail wing fronting Market Street) and a south auditorium wing (fronting Stevenson).” As such, the building is in fact one structure with two wings rather than two separate structures.

Regarding photographic documentation of the building, the DEIR includes four photographs of the existing structure, including one of the Stevenson elevation, in the Visual Quality section. In addition, the Historic Resources Study included three images of the building’s Market Street façade and two of its interior, although none of the Stevenson elevation or from the building’s rear alley. The courtyard to which the commenter refers is a narrow pedestrian alley or walkway that both served and is treated architecturally as a backdoor; the walls of the alley are exposed brick and there are almost no decorative features or even paint on any of the walls. The Historic Resources Study’s description of the building discusses specifically each elevation, including the “courtyard surfaces.” Taken together, the photographs and text description depict as best as possible the extent to which modifications to the exterior have occurred.

C-2) All three of the surveys to which the commenter refers, as well as the location of the project site in relationship to the boundaries of existing historic districts, are addressed in the DEIR. With regard to the Market Street Theatre and Loft District, as stated on page 28 of the DEIR, the project site on which the existing 949-961 Market Street building is located is “. . .not included within the boundaries of the Market Street Theatre and Loft District.” As such, the existing building is also not identified as a contributing to the District. Regarding the project site’s relationship to the boundaries of the District, the top of page 28 of the DEIR states: “The project site is located approximately 45 feet to the east of the eastern boundary of the Market Street Theatre and Loft District, a *National Register of Historic Places* (National Register) district adopted in 1986. The Market Street Theatre and Loft District includes buildings on both sides of Market Street, from nearly 1,200 feet west of Sixth Street to Seventh Street, including the intersections of Market



Street/Golden Gate Avenue, Taylor/Sixth Streets, and Market Street with Jones/McAllister Streets and a little beyond in both directions.” There are no other local or federal historic districts in which the project site is located or in the vicinity of the project site.

Regarding the Unreinforced Masonry Building (UMB) Survey, page 35 of the DEIR notes that the 949-961 Market Street building “is a UMB that falls within Risk Level 3, meaning that retrofit must be completed by February 15, 2004, or the building must be demolished.” In addition, according to *A Context Statement and Architectural/Historical Survey of Unreinforced Masonry Building (UMB) Construction in San Francisco from 1850 to 1940* (Context Statement), the existing building has a State Office of Historic Preservation (SHPO) rating of “3I,” which means that it is potentially eligible for listing on the National Register. The DEIR provides this same information on page 35, where it is stated that according to SHPO, the “. . . building appears eligible for separate listing in the National Register.” The 1990 Context Statement is simply reporting the rating of the property in the SHPO inventory and has no official status itself.

The *Splendid Survivors* book is a presentation of information and ratings for downtown buildings by San Francisco Architectural Heritage. As stated on page 35 of the DEIR, “The 949-961 Market Street building was rated ‘B’ - Major Importance in *Splendid Survivors*.” The DEIR addresses Heritage’s rating of the building on pages 38-39, where it is stated:

The building is listed in the Heritage survey, which found the building to be of “Major Importance,” but has been given a rating of V in the Downtown Plan. Heritage challenged the rating assigned by the Planning Department and filed a request to reclassify 949-961 Market as a Category III (contributory) building. After consideration of the information provided by Heritage in support of its request, the Planning Department reiterated its judgement that the structure does not meet the standards for Category III buildings, and reaffirmed the Category V rating. A full hearing was held by the Landmarks Preservation Advisory Board, and the Board voted unanimously to sustain the rating. Heritage appealed the unanimous decision to the City Planning Commission. After a full hearing, the Planning Commission rejected the request for full designation.

- C-3) It is unclear what specific additional information the commenter would find useful in assessing the historic attributes of the existing building. As noted on page 28 of the DEIR and in the response to Comment C-1, the information presented in the historical resources discussion of the DEIR is a summary of the *Historic Resources Study: St. Francis Theater, 949-961 Market Street, San Francisco*, by Page & Turnbull, Inc. (September 5, 2001). The *Historic Resources Study*, and to a lesser degrees its summary in the DEIR, includes a detailed description of the building’s existing interior and exterior; design and construction history; and an evaluation of the building against each of the four *National Register* criteria. In addition, the *Historic Resources Study* includes a four-page discussion of the building’s condition as it relates to each of the seven *National Register* variables that determine a building’s integrity, and concludes that, “Although originally a very significant building, 949 Market has undergone substantial changes, especially to the interior, which significantly affect its architectural integrity.”

As part of the integrity discussion, the *Historic Resources Study* (page 17) states: “According to *National Register Bulletin 15*, ‘How to Apply the National Register Criteria for Evaluation,’ a building does not necessarily have to retain a high level of physical integrity on the interior to be eligible for listing. Some historic buildings are ‘virtually defined by their exteriors,’ such as early steel-frame skyscrapers. However, other building types, in particular shopping arcades or movie theaters, are on the other side of the spectrum. Often possessing narrow street frontages and large elaborate auditoriums, theaters are the quintessential interior-oriented building type. According to *National Register Bulletin 15*, buildings whose main architectural features are interior, such as a concert hall, would ‘lose its value as a historic resource’ if it were to ‘lose its interior.’ This is indeed the case with 949 Market, where nothing from the 1910 or 1925 theater interiors remain after the 1968.” As such, the condition of the building’s exterior is not relevant to determining its level of integrity.

It should be noted, however, that although the precise condition of some of the building’s exterior cannot be ascertained, the *Historic Resources Study* provides ample evidence that the original exterior of the building has been extensively altered to the degree that its integrity has been lost. The study found [emphasis below added]:

In 1925 Paramount Studios commissioned **extensive changes to the exterior** and interior of the building, giving it a more contemporary Spanish Colonial Revival appearance. Virtually all of this work was removed in 1968 when the interior was demolished and the **exterior extensively altered**. (page 15)

In 1968, the St. Francis Theater was completely reconstructed on the interior and **heavily altered on the exterior**. The auditorium was completely removed and reconstructed as a two-level facility with two auditoriums. Store 106 was removed and amalgamated with the new theater lobby, the stairs moved and **the façade altered** to accommodate a full-height marquee. (page 11)

. . . [T]he focal point of the original design, the dome above the theater entrance, was removed at an unknown time. (page 17)

These conclusions are supported by visual evidence gathered by Page & Turnbull, including the assessment that the appearance of how the modern materials are applied to the building makes it unlikely that enough room exists behind them to conceal historic materials.

With regards to the building’s period of significance, the DEIR identifies the two *National Register of Historic Places* criteria that are applicable to the existing 949-961 Market Street building (Criterion B and Criterion C), the period of significance for each criterion, and the relevant aspects of the building for each criterion. The relevance of Criterion B pertains to the association of Sid Grauman with the theater, and as stated on page 32 of the DEIR:

“Nonetheless, very little of the interior or exterior dating from Grauman’s management of the theater remains, rendering his connection with the building largely insignificant. The period of significance for *Criterion B* is 1910-1917, the span of time for which Grauman managed the Empress Theater.” The relevance of Criterion C is based on the fact that the building was designed by John Galen Howard, widely considered to be a master architect. As stated on pages

32-33 of the DEIR: “As the work of John Galen Howard, 949-961 Market was undisputedly the work of a master. As a resource potentially significant under *Criterion C*, the period of significance would have extended from 1910, the date of construction, to 1951, 50 years before the present date. Nonetheless, the heavy alterations that occurred in 1968 have substantially affected the physical and architectural integrity of 949-961 Market Street.”

As such, even if some historic architectural features are concealed by modern materials and do remain perfectly intact: 1) much of the façade’s character-defining features are known to have been removed such that the building lacks sufficient integrity in terms of its exterior; 2) the building lacks sufficient integrity in terms of its interior since the character-defining features of the interior have been removed; and 3) since the building is primarily an interior-oriented building type, the loss of integrity of the interior has far greater bearing in the evaluation of the building’s integrity. Therefore further investigation of the building’s exterior is not necessary, because enough evidence already exists that the building as a whole does not possess sufficient integrity for eligibility to the National or State Registers.



LANDMARKS PRESERVATION ADVISORY BOARD

1660 MISSION STREET, 5TH FLOOR, SAN FRANCISCO, CA 94103-2414

TEL. (415) 558-6345 • FAX. (415) 558-6409

December 7, 2001

RECEIVED

JAN 02 2002

PLANNING DEPT



Mr. Paul Maltzer
Environmental Review Officer
San Francisco Planning Department
1660 Mission Street, Suite 500
San Francisco, CA 94103

Re: 949 Market Street

Dear Mr. Maltzer:

On December 5, 2001, the Landmarks Preservation Advisory Board (Landmarks Board) held a public hearing to consider and comment on the Draft Environmental Impact Report (DEIR) for 949 Market Street, dated November 10, 2001. Public testimony was taken, and the Landmarks Board then discussed the Report, with the following salient points being raised:

1. The discussion of Historic Resources (p28), which is based largely on a Historic Resource Study by Page & Turnbull, Inc. of September 5, 2001, fails to clarify how it was determined whether historic fabric on the interior of the building has actually been removed, or is simply covered by alterations performed in 1925 and 1968. The Page & Turnbull Study also does not clarify this point.

1

1.1 Further, both the DEIR and the Page & Turnbull report state that it is undetermined how much exterior historic fabric has actually been removed, rather than simply being covered by modern accretions.

1.2 Given the uncertainty regarding the continued existence of so much important historic fabric, the Landmarks Board cannot agree with the conclusion reached by the DEIR that the building no longer possesses sufficient integrity for eligibility for listing in the National Register or the California Register. Because of this, the Landmarks Board also cannot agree with the further conclusions of the DEIR, that 949-961 Market Street does not meet the definition of an historical resource under CEQA, nor that its demolition would not be considered a significant adverse environmental effect.

2

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|-----|--|---|
| 1.3 | Board members questioned the reasons for the building's exclusion from the Market Street Theatre and Loft District. | 3 |
| 1.4 | Board members questioned the adequacy of the discussion of the building's association with Sid Grauman, a significant historic personage and a former owner of the building. | 4 |
| 2. | Regarding Alternatives to the Proposed Project (p67), the Landmarks Board believes an Alternative should be considered in which the existing building is upgraded and a vertical addition made to the present southern wing. It would appear this could provide adequate space to meet the project sponsor's objectives, while retaining the present building. | 5 |
| 3. | The discussion of the building's Visual Quality (p40) underestimates the contribution of the building to its streetscape by concentrating unduly on easily reversible characteristics such as awning colors. The Landmarks Board believes the building is a much stronger contributor to the surrounding streetscape than is concluded in the DEIR. | 6 |
| 4. | Regarding Improvement Measures (p64), the Landmarks Board believes that Historic American Building Survey (HABS) recordation should include documentation of the vaudeville players who performed in the theater prior to its conversion to motion pictures. | 7 |

The Landmarks Board appreciates the opportunity to participate in the review of this important project proposal.

Sincerely,



Tim Kelley, President
Landmarks Preservation Advisory Board

TK/ag

LETTER D – TIM KELLEY, LANDMARKS PRESERVATION ADVISORY BOARD

D-1) The *Historic Resources Study* was prepared by Page & Turnbull architects. As explained in the Methodology section of the *Historic Resources Study* (page 1), “Page & Turnbull visited the building in January 2001 to photograph and evaluate the physical integrity of the building. Page & Turnbull then researched the building’s construction and operational history in various local archives, referencing original plans and permits on file at the San Francisco Department of Building Inspection, building and architect files at San Francisco Architectural Heritage, historic photographs and Sanborn maps at the San Francisco History Room and newspaper articles in the San Francisco Newspaper Index.” As such, the study found:

In 1968, the St. Francis Theater was completely reconstructed on the interior and heavily altered on the exterior. The auditorium was completely removed and reconstructed as a two-level facility with two auditoriums. Store 106 was removed and amalgamated with the new theater lobby, the stairs moved and the façade altered to accommodate a full-height marquee. (page 11)

In 1925 Paramount Studios commissioned extensive changes to the exterior and interior of the building, giving it a more contemporary Spanish Colonial Revival appearance. Virtually all of this work was removed in 1968 when the interior was demolished and the exterior extensively altered. (page 15)

. . . [T]he focal point of the original design, the dome above the theater entrance, was removed at an unknown time. (page 17)

The interior of the theater and the auditorium wing was completely removed in 1968 and most of the interior of the north retail wing has been reconfigured and refinished a number of times, leaving scant evidence of John Galen Howard’s original design. (pages 17-18)

With the exception of some original plaster wall finishes and trim in the retail wing, almost no historic finishes embodying any sense of workmanship remain in the interior of the building. (page 18)

It is unclear exactly what additional information the commenter would like to see to be more confident of the above conclusions of the historic architecture experts who assessed the building and prepared the study. From the architectural consultant’s assessment, the interior alterations to the building are permanent and therefore the loss of the building’s integrity is also permanent. Also, please see the response to Comment C-3.

D-2) As stated above in the responses to Comments C-3 and D-1, there is a preponderance of evidence to support the conclusion that the existing structure has not maintained enough of its integrity to be considered an historic resource under CEQA. Please see those responses for further explanation.

It should further be noted that the Planning Commission and the Landmarks Board itself voted to sustain the building’s Downtown Plan rating of V (unrated), as described on pages 38 and 39 of the DEIR. Page 38 states:

The 949-961 Market Street building appears in the State Historic Resources Inventory, but is not listed in a local register of historical resources as defined by Public Resources Code Section 5020.1. The building is listed in the Heritage survey, which found the building to be of "Major Importance," but has been given a rating of V in the Downtown Plan. Heritage challenged the rating assigned by the Planning Department and filed a request to reclassify 949-961 Market as a Category III (contributory) building. After consideration of the information provided by Heritage in support of its request, the Planning Department reiterated its judgement that the structure does not meet the standards for Category III buildings, and reaffirmed the Category V rating. A full hearing was held by the Landmarks Preservation Advisory Board, and the Board voted unanimously to sustain the rating. Heritage appealed the unanimous decision to the City Planning Commission. After a full hearing, the Planning Commission rejected the request for full designation.

- D-3) Comment noted. The decision to not include the 949-961 Market Street building in the Market Street Theater and Loft District was not made as part of the proposed project, but was determined at the time of the District's adoption. As such, the DEIR merely is reporting the status of the building as it pertains to the District.
- D-4) The comment does not include specific examples of what the Landmarks Preservation Advisory Board members believe to be inadequate about the discussion of the building's association with Sid Grauman. To clarify, the DEIR concludes that because Sid Grauman managed the Empress/Strand Theater from 1910 to 1917, the building was "... associated with the lives of persons significant in our past" (Criterion B). In order for a structure to qualify for eligibility to the National Register under Criterion B, the property must retain integrity from the period of its significant associations. The DEIR further concludes that "very little of the interior or exterior dating from Grauman's management of the theater remains, rendering his connection with the building largely insignificant." As such, the DEIR both acknowledges the association with the building of a significant figure and explains why that association does not contribute to the significance of the building as an historic resource.
- D-5) The DEIR includes the Preservation Alternative, which would preserve and seismically retrofit the existing structure, while restoring it as consistently with the original design as possible. The existing building is not considered to be an historical resource under CEQA and therefore its demolition as part of the proposed project would not be a significant impact. Nonetheless, this alternative was provided because it would minimize the less than significant impacts of the proposed project while accomplishing as many of the project sponsor's objectives as possible.

The Preservation Alternative maximizes the preservation of the existing structure but reduces the realization of the sponsor's objectives with respect to providing dwelling units. The proposed project, on the other hand, would maximize the provision of dwelling units while not preserving the existing structure. The commenter's suggested alternative would fall within the range of alternatives possible between the proposed project and the Preservation Alternative described in the DEIR. The commenter's suggested alternative would not potentially generate effects on the environment substantively different from the effects analyzed in the DEIR for the Preservation Alternative. Therefore, inclusion of the commenter's suggested alternative would not further

accomplish the requirements of *CEQA Guidelines* Section 15126.6, which states that an EIR “need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation.” Section 15126.6 also states that the range of alternatives to the proposed project discussed in an EIR “shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.” As such, no additional alternatives were included in or need to be added to the DEIR.

- D-6) The comment does not include specific examples of what the Landmarks Preservation Advisory Board members believe to be qualities of the existing building that contribute to the streetscape that were not addressed in the DEIR. While the setting discussion (pages 40-43) includes a description of existing reversible building characteristics, this discussion also addresses the relative height of the building to others in the immediate area, the visibility of the building from a variety of viewpoints, its lack of a cohesive architectural style, and the current condition and appearance of the building (with both text and recent photographs). It should be clarified that the DEIR’s analysis of the project’s visual quality impacts pertains only to the impacts associated with demolition of the existing structure and construction of the proposed project. Further, the Initial Study (included in the DEIR as Appendix A) concluded that the proposed project would not have a significant potential adverse effects on visual quality, and the *Historic Resources Study* found that the existing building is one of the most drastically altered buildings in the district.
- D-7) To address the commenter’s concern regarding ensuring documentation of the vaudeville players who performed in the former theater that once occupied the existing building on the project site, page 65 of Chapter IV, Mitigation and Improvement Measures, Improvement Measure A.1, is revised as follows (new language is underlined):

Prior to the demolition of the 949-961 Market Street building, the project sponsor would employ an architectural historian to submit two copies each of documentation of the building’s history, along with photographs and modified-format Historic American Building Survey drawings of the building, to the President of the Landmarks Preservation Board, the Environmental Review Officer, the History Room of the San Francisco Public Library (Main Library), the Northwest Information Center, and the California Historical Society. Per the request of the Landmarks Preservation Advisory Board, preparation of the Historic American Building Survey would include documentation of the vaudeville players who performed in the former theater that once occupied the existing building on the project site.

SECTION D

PUBLIC HEARING COMMENTS AND RESPONSES

This chapter contains typed comments from a transcript of the comments made at the public hearing on the DEIR and the responses to each of those comments. (A copy of the complete transcript is available for review by appointment at the San Francisco Planning Department, 1660 Mission Street, Fifth Floor, as part of Project File No. 00.965E). Each substantive comment on the DEIR is labeled with a number in the margin and the response to each comment is presented following the commenter's remarks. For purposes of sequential reference with the written comments, these comments are designated as though they were contained in comment letters. Therefore, comments from the first speaker at the public hearing are answered in responses E-1, E-2, etc., from the second commenter, in responses F-1, F-2, and so on. Where responses have resulted in changes to the text of the DEIR, these changes will also appear in the Final EIR.

Public Hearing Comments E – Patrick Banks

Good afternoon, Madam President and fellow Commissioners. My name is Patrick Banks and I'm speaking on behalf of a building company located on 54 Mint Street in mid-Market. I'd like to speak with respect to the project at 949 Market Street. We believe that this project would be beneficial to the neighborhood and would do a lot to revitalize that block on Market Street. We think that creating housing on Market is a good proposal and it would be in line with the fact that that's a good area to explore more uses of high-density housing, residential housing on Market Street. We also believe that it would also be in line with the Transit First Policy that would encourage housing around transit areas being that this would be within the same block as the Powell Street station. We are familiar with the property as we're located on Mint Street directly behind where the project would be located. So once again, we'd like to voice our support and say that we don't see anything that would be detrimental to the neighborhood, to the residents, and the businesses surrounding this project. Thank you.

*E-1*Response to Comment E

E-1) The commenter's support of the proposed project is noted. Public input regarding the merits of the proposed project may be considered independently of the environmental review process by the Planning Commission at the public hearing on the project approvals, including Planning Code exceptions pursuant to Planning Code Section 309.

Public Hearing Comments F – Commissioner Joe

On page 5, the DEIR states that the hazard criterion, 26 miles per hour wind would be exceeded for a total of two hours per year. From that wind study, they also refer to a footnote on page 51 which states in Footnote No. 19, that it exceeded the 26 miles per hour and should not be more than a total of one hour. So what mitigation are we doing to reduce the 26 mile per hour within that one location of Stevenson and 6th Street? We talk about total of two hours a year and then the Footnote 19 on page 51 says that we shouldn't exceed one hour for that 26 miles per hour.

*F-1*Response to Comment F

F-1) To clarify, the Wind discussion on page 51 (and summarized on page 5) of the DEIR indicates that under existing conditions, "[t]he highest wind speeds in the vicinity occur west of the project site, where the north side of Stevenson Street meets the east side of Sixth Street. The Planning Code's wind hazard criterion (which is 26 mph, as explained in footnote 19 on page 51 regarding the provisions of Planning Code Section 148) is currently exceeded at that location for a total of 2 hours per year." The Impacts section of the Wind discussion on page 52 of the DEIR indicates that with the proposed project, "[t]he highest wind speeds in the vicinity would continue to occur west of the project site, where the north side of Stevenson Street meets the east side of Sixth Street. However, with the project, the Planning Code's wind hazard criterion would be met at that point compared to existing conditions." As such, the existing exceedance of the wind hazard criterion would be eliminated with implementation of the proposed project and no mitigation would be required.

Public Hearing Comments G- Commissioner Lim

The question that I have is regarding transportation, and I think we always encourage development of housing, and at the same time, there are a few items that remain critical. On the issue of transportation, the DEIR indicates that this particular project would add approximately 2,343 new trips per day and they would be vehicle trips and transit trips and so on and so forth. But in the summary, it says that with these that there is no significant impact on the area; however, it did say that under cumulative 2015 traffic conditions, intersection levels of service will deteriorate from acceptable to unacceptable levels at four intersections. I guess what I would like to ask is if it's possible that this Draft Environmental Impact Report address the transportation issue a little bit more closely, particularly if there are any possible hazardous conditions that it would create or that it would impose on pedestrians and bicyclists. And as far as the continuation to acceptable levels of traffic conditions and certain protections and knowing that very, very well, I'm not sure if it's accurate to point out that the deterioration would -- the cumulative deterioration would then be happening until the year 2015, when knowing that the area full well, it's a very difficult area, particularly Market and 6th to navigate either by bicycle or by car or whatnot.

G-1

Finally, I think that with regards to construction, as it is in construction where there are mitigating procedures, that the transportation issue should also address some possible mitigating remedies so that when we look at the viability of this project, that there is in fact a possibility or an opportunity to see this project in a little bit more light.

Responses to Comment G

G-1) A transportation study (Wilbur Smith Associates, 949 Market Street Transportation Study, October 24, 2001) was prepared for the project, a summary of which is provided in the DEIR. The Transportation Study provides more detailed information about estimated trip generation, intersection level of service calculations, and existing pedestrian bicycle conditions. The DEIR (pages 49 and 50) concluded that the project would not result in significant effects to pedestrians or bicyclists. Regarding pedestrians, the DEIR states: "Overall it is anticipated that new pedestrian trips could be accommodated within the existing sidewalks and crosswalks adjacent to the project site and would not substantially affect the current pedestrian operating conditions." Regarding bicycles, the DEIR states: "An additional 112 bicyclists (assuming conservatively that all of the 112 "walk/other" trips were bicycles) in the area during the p.m. peak hour would not increase bicycle activity beyond the current moderate levels. As such, there would be no bicycle-related significant impacts." The DEIR (pages 47 and 48) also concluded that the project would not result in significant effects to cumulative intersection level of service because the project's contribution would not be considerable.

No transportation mitigation measures were provided in the DEIR because the project was not found to not have the potential for significant effects. The DEIR does include an Improvement Measure, Measure B.1, which would restrict project-related construction truck traffic and prohibit staging or unloading of equipment during peak hours to avoid peak-period effects on traffic and transit, as well as establish coordination with MUNI, DPT, and other responsible agencies to coordinate construction activities so as to minimize vehicular and pedestrian construction impacts on traffic.

SECTION E

STAFF-INITIATED TEXT CHANGES

On January 14, 2002 a letter from NRG Energy Center, San Francisco was submitted to the Planning Department regarding the proposed project (see Appendix A of this document for a copy of the letter). This letter was received subsequent to the close of the public comment period for the DEIR, which was from November 10, 2001 to December 18, 2001. The letter indicates that NRG operates a steam-producing plant at 460 Jessie Street between Jessie and Stevens Streets, directly to the south of the project site. As a public utility, NRG is regulated by the California Public Utilities Commission. The existing facility, which operates around-the-clock, consists of five large boilers that burn natural gas and vent steam exhaust through two 200-foot cooling towers (as can be seen in Figures 9 and 10 of the DEIR). The letter also indicates that NRG is planning to construct a new 50 megawatt turbine cogeneration facility on its property across from the project site. In response to the information provided in this letter, the text change below is made to the DEIR.

- Page 27 of Chapter III.A, Zoning and Land Use, is revised by adding the following paragraph after the first full paragraph:

Directly across Stevenson Street to the south of the project site, at 460 Jessie Street, is a steam-producing plant that consists of five large boilers that burn natural gas and vent steam exhaust through two 200-foot tall cooling towers. The plant currently operates 24 hours per day, 7 days per week. The operator of the facility (NRG Energy Center, San Francisco) indicates that it intends to replace an existing two-story office structure on the property with a new 50-megawatt turbine cogeneration facility consisting of a two-story building topped by a 20- 30-foot-tall cooling tower. The new structure would have frontages on both Jessie and Stevenson Streets. Project completion is planned for 2005 or 2006. The project would be expected to require approvals from the California Public Utilities Commission and the Planning Department and would be subject to CEQA review, for which the Planning Department would likely serve as the lead agency. At that time, the potential impacts of the NRG Energy Center project on the surrounding environment, if any, would be assessed.

APPENDIX A

LETTER FROM NRG ENERGY CENTER, JANUARY 8, 2002



NRG Energy Center
San Francisco LLC

08 January 2002

410 Jessie Street
Suite 702
San Francisco, CA 94103-1835

Property: 949 Market Street Project

Attn: Mr. Paul Maltzer
Environmental Review Officer

cc: Mr. Randall Dean
EIR Coordinator

(415) 777-3415
(415) 777-3787 Fax
www.nrgenergy.com

Department of City Planning
Major Environmental Analysis
30 Van Ness, 4th Floor, Suite 4150
San Francisco, CA 94102

Subject: Public Comments On DEIR (00.965E)

Dear Mr. Maltzer:

NRG Energy Center San Francisco L.L.C. owns and operates a power generating plant located adjacent to the subject proposed project at 949 Market. We would like to take this opportunity to comment on concerns we have in locating a residential high-rise next to an industrial facility.

Background

We are a district steam company providing heating service to most major buildings in the central business district, including Moscone Convention Center and City Hall. We operate a central steam producing plant at 460 Jessie Street, between Jessie and Stevenson Streets, and located directly behind the 949 Market Street Project site. We are a public utility regulated by the California Public Utilities Commission (CPUC) and operating a franchise agreement from the City of San Francisco. Our plant has been in continuous operation for over 60 years.

Current Status

Our plant is an industrial facility that operates 24/7, and as such has its own level of noise associated with it. On the site are five large-scale boilers burning natural gas and venting exhaust through two 200-foot stacks. Of course, the plant meets or exceeds all government regulations for noise, emission and other hazards.

New Development

Our near future objectives are to add significant upgrades and improvements to the plant, specifically, the addition of a cogeneration facility on the same footprint. This will supplement our steam capacity and produce much needed electricity for the city power grid. It will entail installation of a 50-megawatt turbine combined cycle generator and construction of a cooling tower. The cooling tower will be clearly visible and may occasionally give off white plumes of steam vapor. Again we plan to comply with government regulations, including those related to the environment.

We welcome the 949 Market Street Project and look forward to its positive influence on the neighborhood. However, we want to make it aware to all concerned parties involved with the 949 Market Project of our existence and plans to improve and upgrade our facility.

I look forward to your response. If you need further clarification, please contact me directly at (415) 760-9819.

Sincerely,

Marketing Director
NRG San Francisco
Tel. (415) 777-3415
Fax (415) 777-3787

● CHAPTER IX

APPENDICES

APPENDIX A: Initial Study

APPENDIX A

INITIAL STUDY

NOTICE THAT AN
ENVIRONMENTAL IMPACT REPORT
IS DETERMINED TO BE REQUIRED

Date of this Notice: April 21, 2001

Lead Agency: City and County of San Francisco, Planning Department
1660 Mission Street, San Francisco, CA 94103

Agency Contact Person: Randall Dean

Telephone: (415) 558-5980

Project Title: 2000.965E: 949 Market Street
Residential Tower with Retail Space

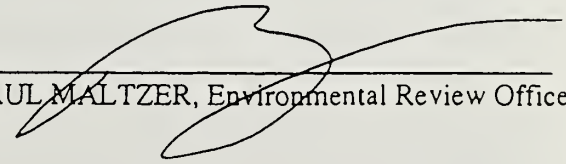
Project Sponsor: DWI Development Inc.
Contact Person: Joel Yodowitz, Reuben & Alter
(415) 567-9000

Project Address: 949 Market Street
Assessor's Block and Lot: Block 3704, Lot 71
City and County: San Francisco

Project Description: The project would consist of demolition of two existing buildings, including a vacant 40-foot high former theater building and a vacant 66-foot high former commercial building at 949-961 Market Street and construction of a new 12-story-plus-basement, 119-foot tall residential condominium building with 140 dwelling units. Total new construction would be about 241,200 square feet. The nearly 23,400 square-foot project site is located in the middle of the block on the south side of Market Street between Fifth and Sixth Streets, and is within the C-3-G (Downtown General Commercial) and 120-X Height and Bulk Districts. The building proposed for demolition is designated as a Category V (Unrated) building in Article 11 of the Planning Code. The new building project would require authorization by the Planning Commission pursuant to Planning Code Section 309, Permit Review in C-3 Districts and Conditional Use authorization.

THIS PROJECT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND AN ENVIRONMENTAL IMPACT REPORT IS REQUIRED. This determination is based upon the criteria of the Guidelines of the State Secretary for Resources, Sections 15063 (Initial Study), 15064 (Determining Significant Effect), and 15065 (Mandatory Findings of Significance), and the following reasons, as documented in the Initial Study for the project, which is attached.

Deadline for Filing an Appeal to the Planning Commission of this Determination that an EIR is required is May 21, 2001. An appeal requires: 1) a letter specifying the grounds for appeal, and 2) a \$209.00 filing fee. The public is invited to comment on the scope of the EIR. Such comments must be received by May 21, 2001 to ensure consideration in preparing the Draft EIR.


PAUL MALTZER, Environmental Review Officer

949 MARKET STREET
INITIAL STUDY
2000.965E

I. PROJECT DESCRIPTION

The project site (Lot 71 in Assessor's Block 3704) is located in downtown San Francisco, on the south side of Market Street between Fifth and Sixth Streets (see Figure 1). The project site has frontages on both Market Street to the north and Stevenson Street to the south. The nearly 23,400-square-foot project site is entirely occupied by two structures, the former St. Francis Theater (originally the Empress Theater) to the rear of the site and a structure that contained six retail spaces facing Market Street, that together consist of approximately 44,000 square feet of vacant retail and theater space.

The project would consist of demolition of the two existing buildings and construction of a new twelve-story-plus-basement, mixed-use 119-foot¹ tall building. The new structure would include a double-height retail space along Market Street with approximately 4,250 gross square feet (gsf) above which would be ten stories of residential space totaling approximately 172,400 gsf. A lobby of approximately 1,350 gsf would be accessible directly from Market Street. The building would also contain 13,000 sq. ft. of storage and other space.² In total, including all accessory space and parking, the project would create nearly 241,200 gsf. At a height of 119 feet, the proposed structure would be approximately 53 to 79 feet taller than the 40-foot tall structure facing Market Street and the 66-foot tall structure facing Stevenson Street currently on the project site.

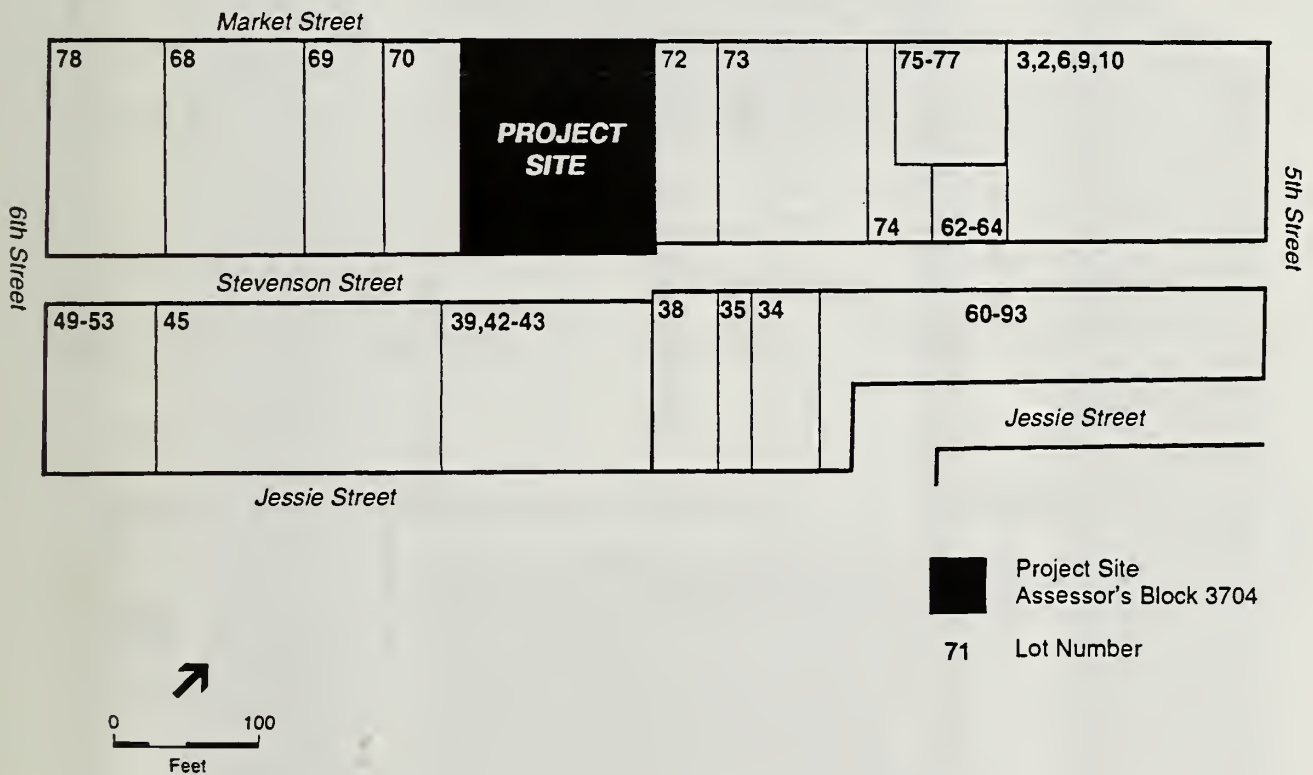
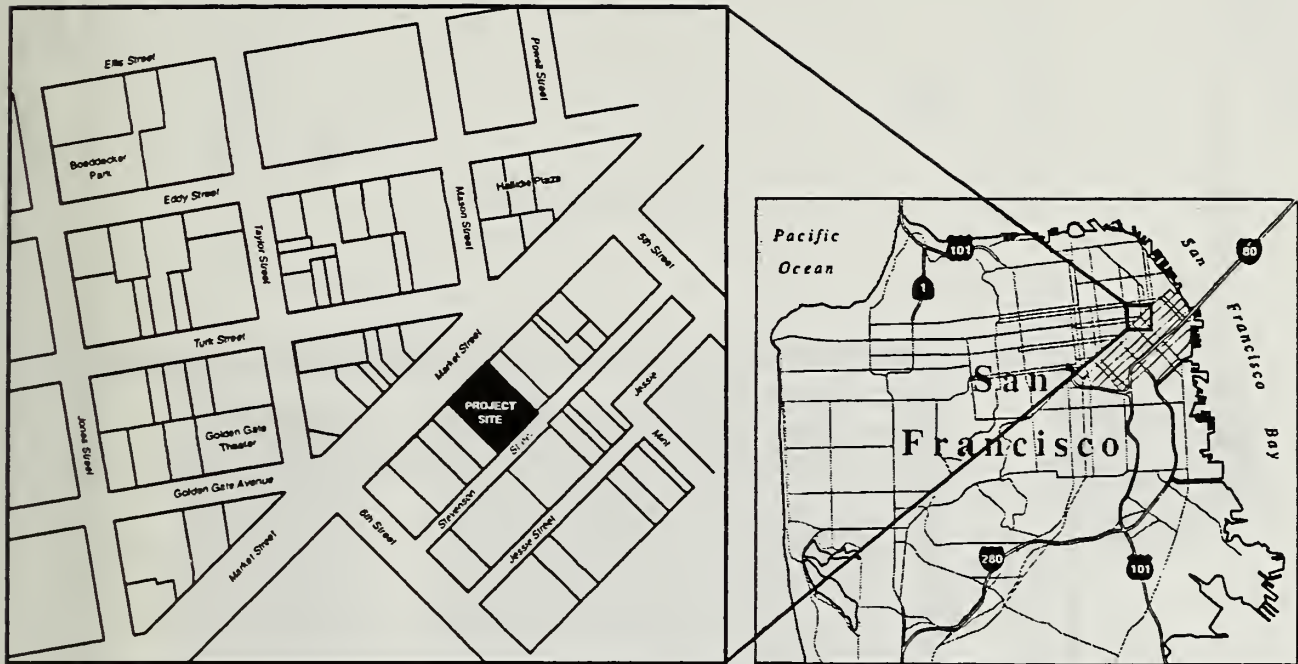
Building occupants and guests would enter the proposed building from Market Street into a lobby flanked by two retail spaces, one of approximately 1,830 gsf to the west of the main entrance and one of approximately 2,420 gsf to the east (see Figure 2). Access to the residences on the floors above would be provided by two elevators located within the lobby. A private security/concierge desk would be located behind the elevators in the lobby area.

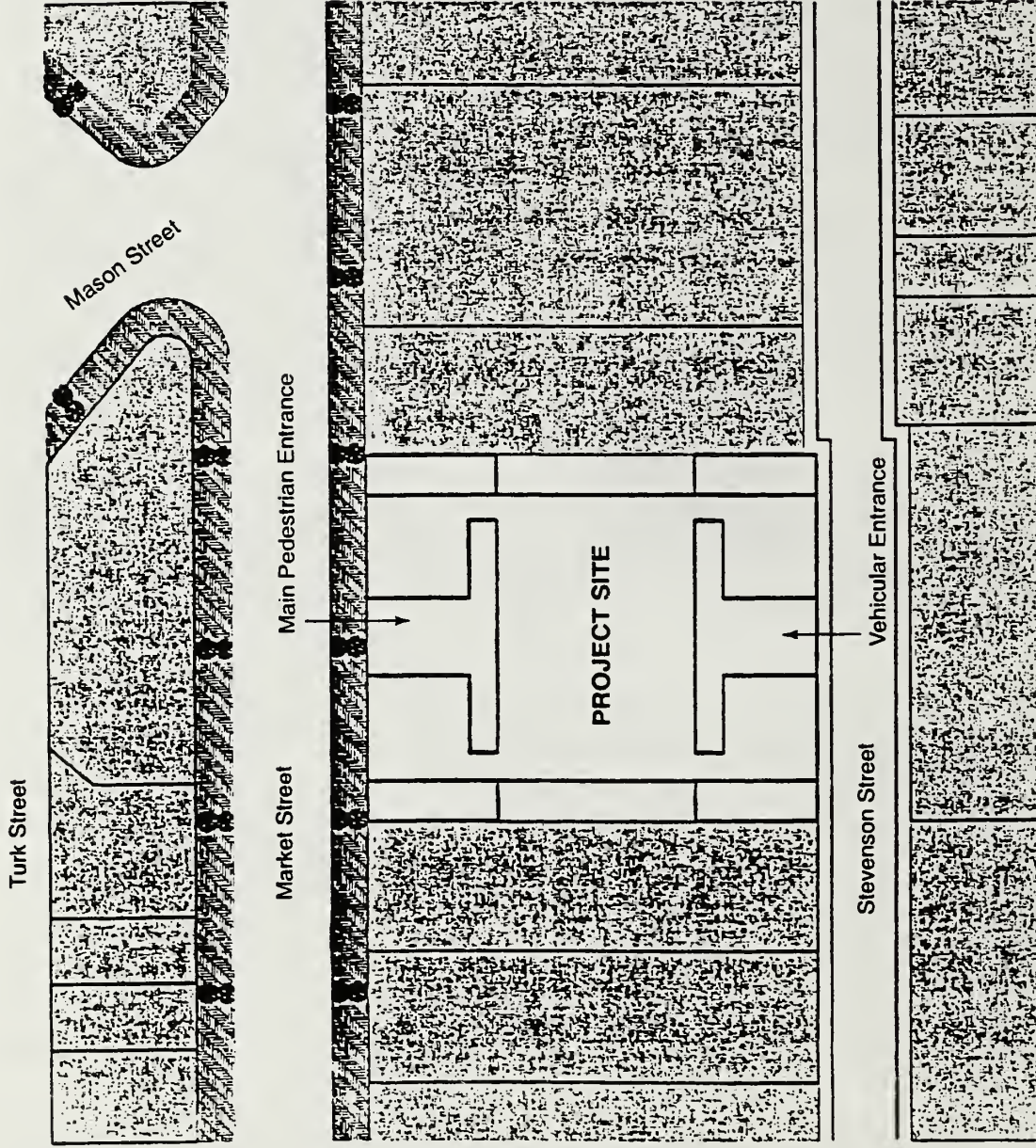
The proposed building would provide a total of 140 residential units on the third through twelfth floors (see Figures 3-7 for elevations and typical floor plans). The building would include 72 one-bedroom units, 64 two-bedroom units, and four studios, with units ranging in size from approximately 800 gsf to 1,700 gsf. Balconies (private open space) averaging 36 gsf would be provided for each dwelling unit.

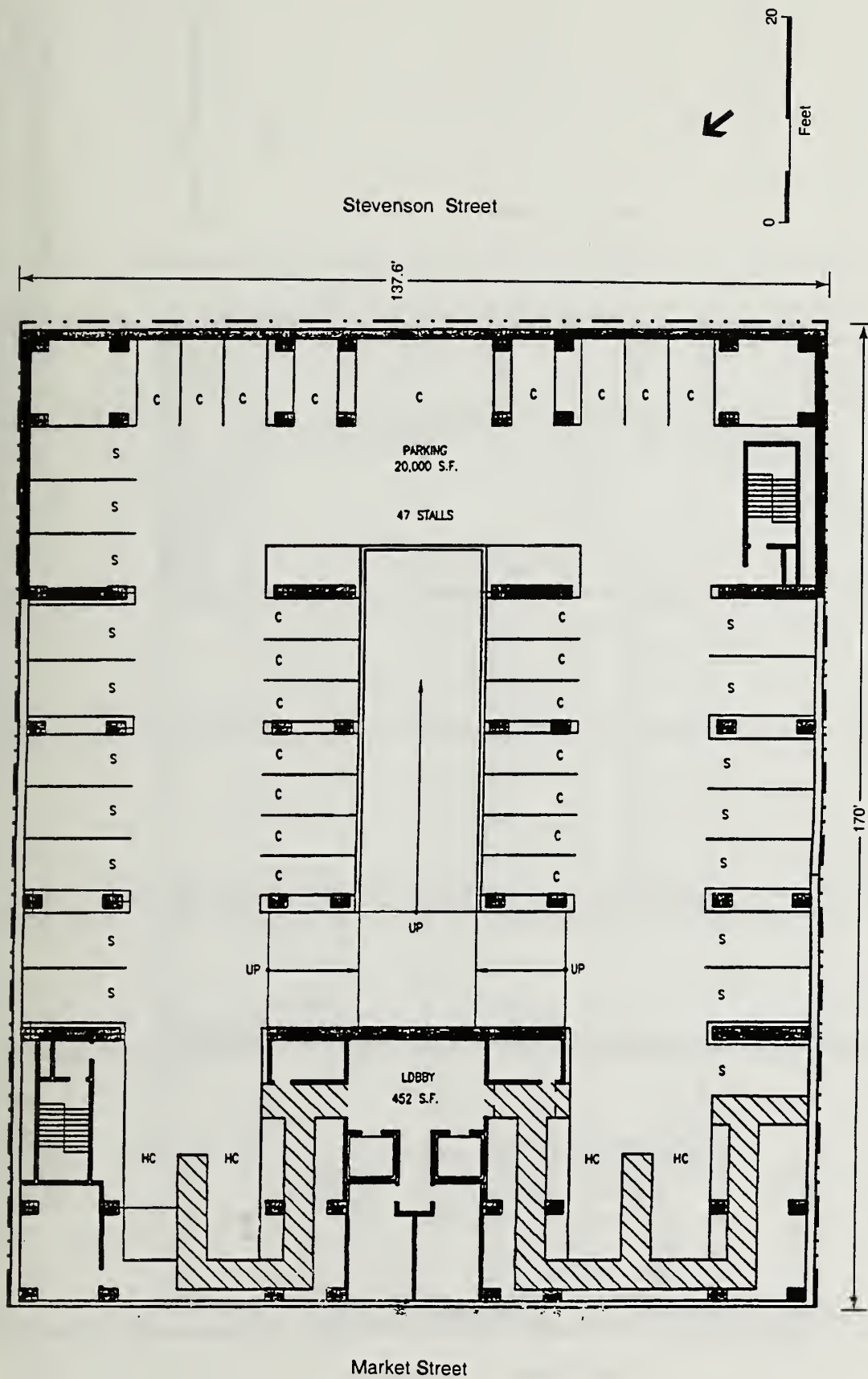
The project would provide a total of 120 parking spaces, situated in the basement and on the ground- and second-levels. The basement would contain 47 parking stalls and occupy approximately 21,000 gsf. Vehicles would enter the garage via Stevenson Street, where there would be 27 parking stalls and two loading spaces occupying 13,500 gsf on the ground floor. The second floor would be dedicated solely to parking, accessible by a vehicular ramp from the ground-floor parking area. The second floor would

¹ The roof line of the proposed project would be at 119 feet. Mechanical equipment screened behind a parapet would extend to 135 feet, with the additional 16 feet exempted from the height limit by Planning Code Section 260(b)(1)(A).

² The 13,000 sq. ft. of "storage and other space" includes mechanical equipment, stairwells, elevator shafts, open space, etc.



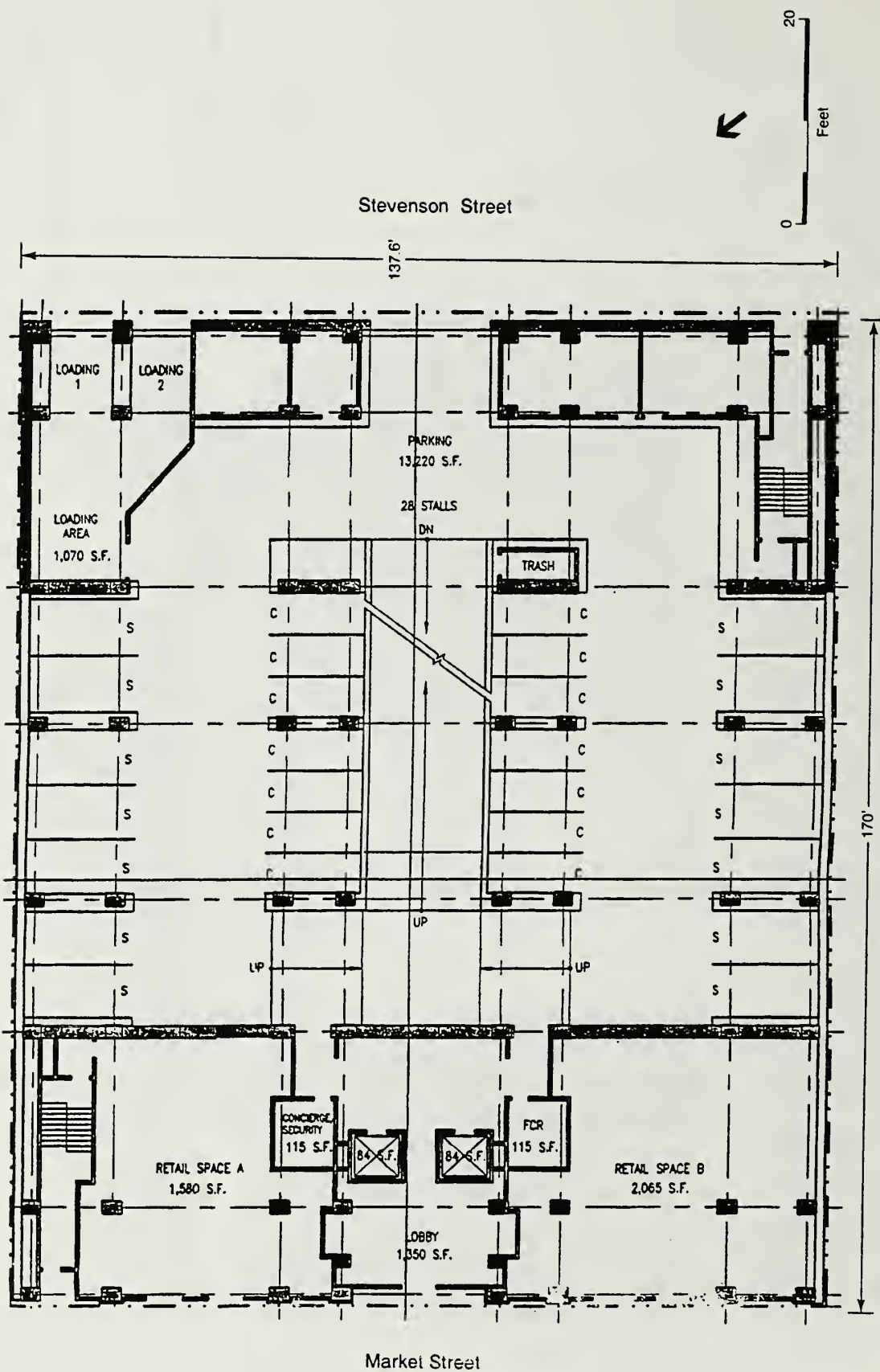




Case No. 2000.965E: 949 Market Street (ESA 200605)

Figure 3
Basement Plan

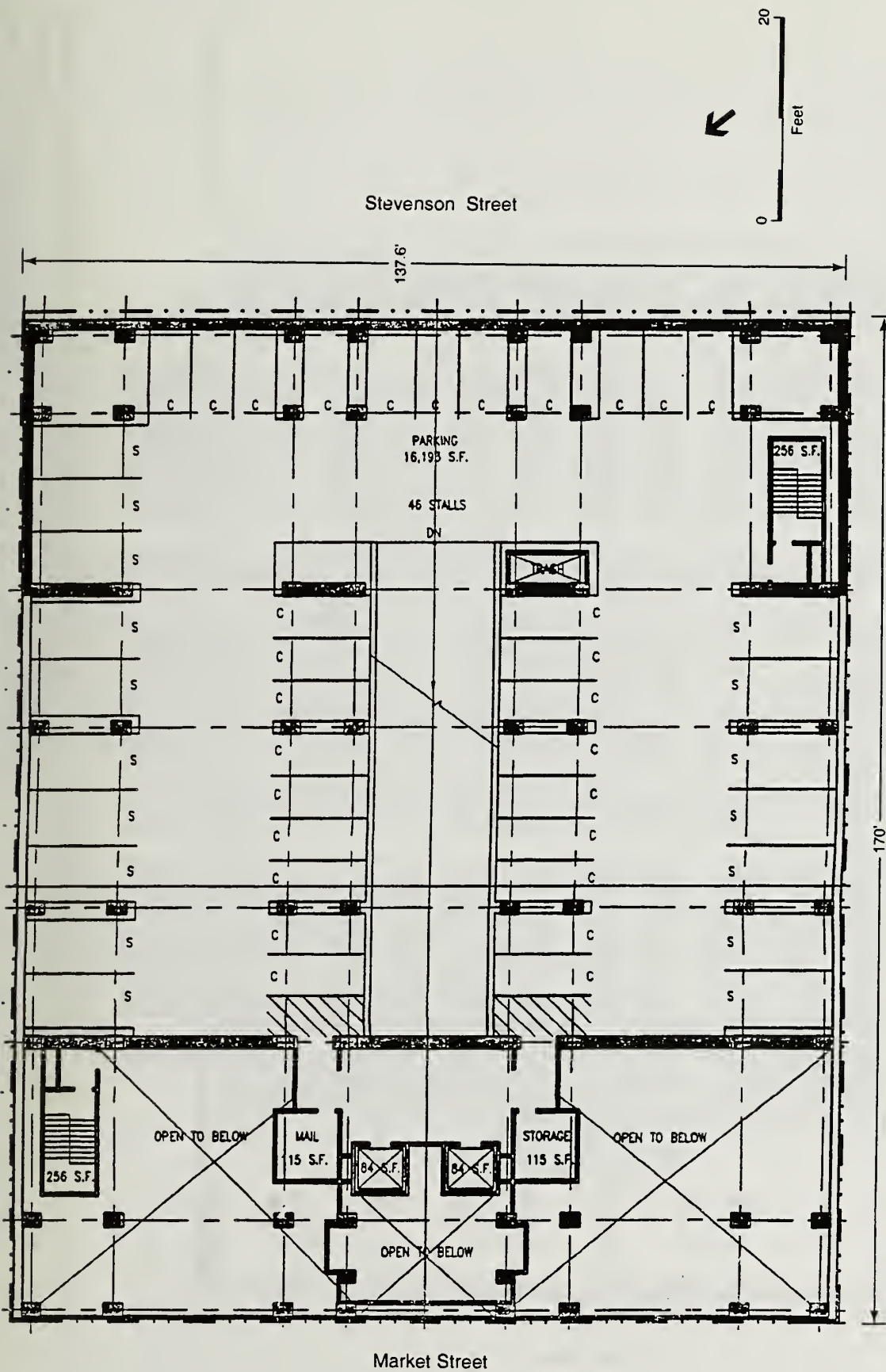
SOURCE: MBH Architects



Case No. 2000.965E: 949 Market Street (ESA 200605)

Figure 4
Ground Floor Plan

SOURCE: MBH Architects

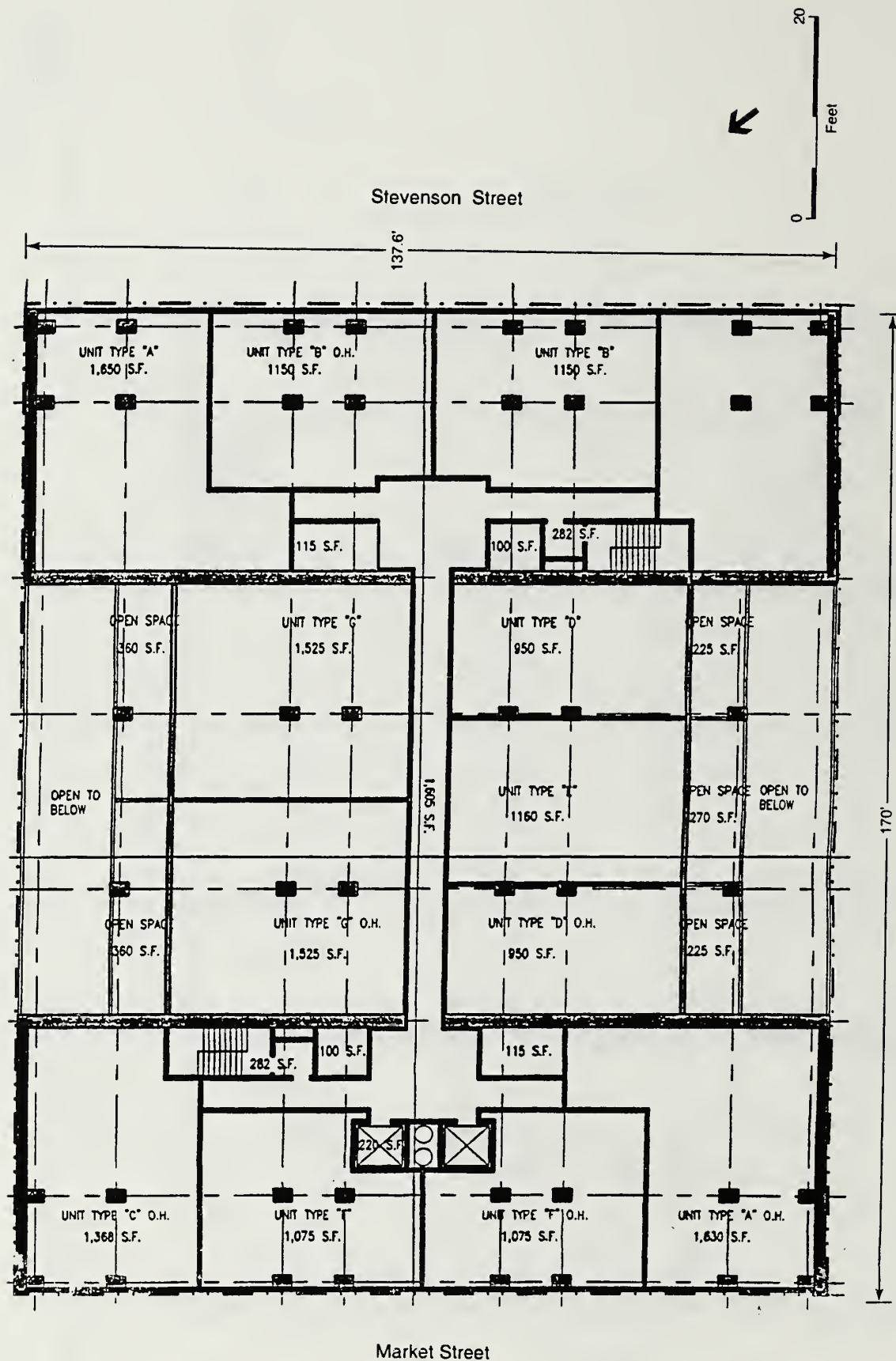


Case No. 2000.965E: 949 Market Street (ESA 200605)

Figure 5

Second Floor Plan

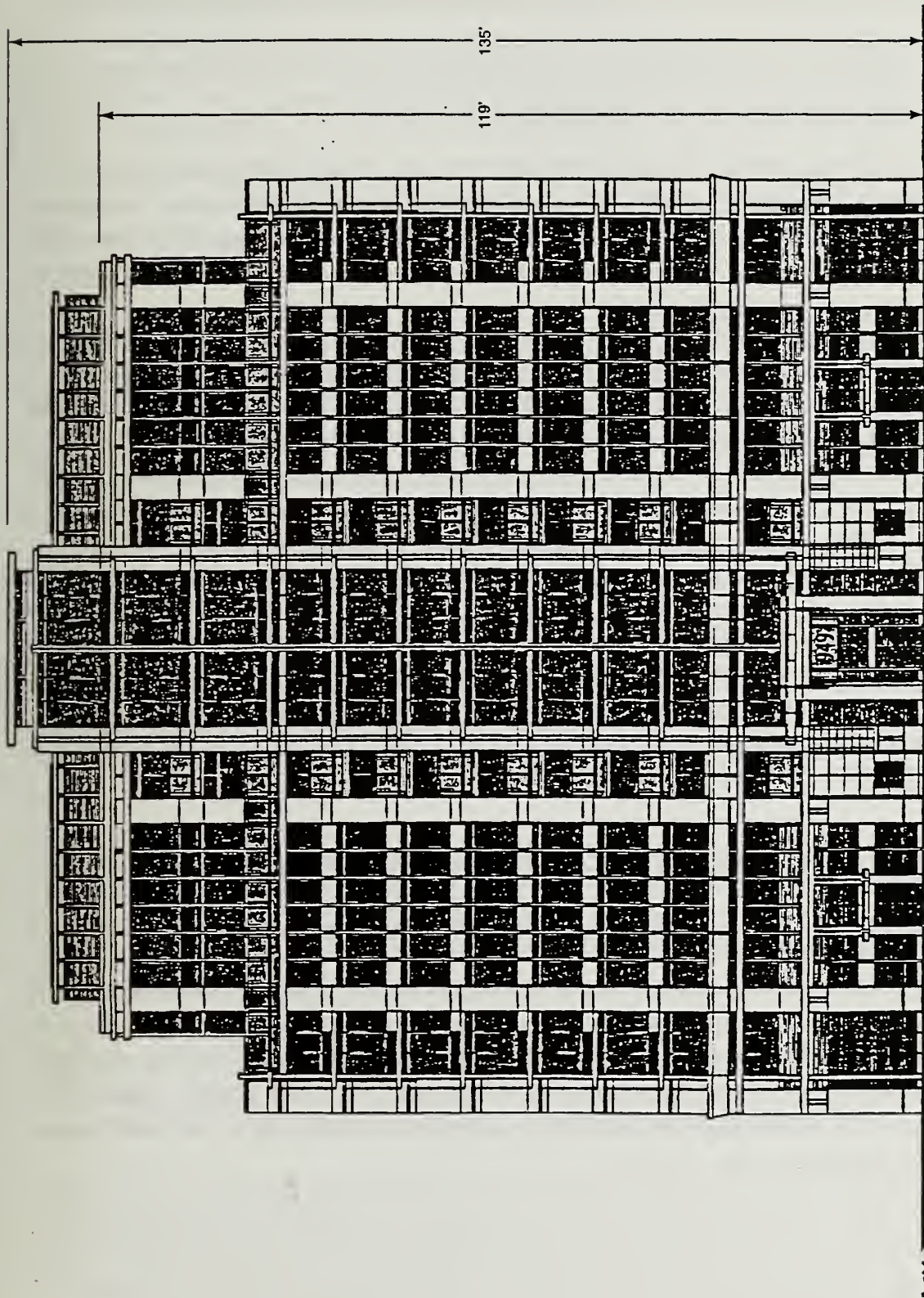
SOURCE: MBH Architects



Case No. 2000.965E, 949 Market Street / 200605

Figure 6
Representative Upper Floor Plan

SOURCE: MBH Architects



Case No. 2000.965E: 949 Market Street (ESA 200605) ■

SOURCE: MBI Architects

Figure 7

Northern Elevation

contain 46 parking stalls totaling 15,700 gsf, with the areas above the retail spaces and lobby open to below. The proposed project would provide the 30 spaces required for residential use per Planning Code Section 151 and seek a Conditional Use for the remaining 90 parking spaces proposed in excess of accessory amounts.³ The existing site has no parking or loading spaces.

According to the project architect, the proposed building design is a contextual response to regional architectural styles. The building's façade, which would extend to the site's property lines, would be composed of smooth finished plaster, limestone, and glass. The building's massing would incorporate a classical tripartite proportioning system with a base, middle and top that draws from three prevalent styles in San Francisco, including Bay Region, International Style and Art Deco.

The two existing buildings on the project site at 949-961 Market Street are constructed of steel, brick, timber and concrete. Built in 1910, but remodeled through alterations beginning in 1925, the structures are identified by the San Francisco Planning Department in the *Downtown Plan* as Category V (Unrated) buildings, meaning that they are not Significant or Contributory and are not subject to Article 11 of the Planning Code. The buildings were rated "B" (Major Importance) by the Foundation for San Francisco's Architectural Heritage and have a rating of 3S (appears eligible for separate listing for the *National Register of Historic Places*) on the Historic Properties listing of the State Office of Historic Preservation.

The project's floor area ratio (FAR) would be 9:1, which exceeds the basic permitted FAR in the C-3-G District (without transfer of development rights to the site) of 6:1, but with the transfer of development rights would be within the allowable maximum FAR of 9:1. Project construction, including demolition of the existing building, would take approximately 20 months, with the proposed building opening planned for May 2003. The project architects are MBH Architects.

II. SUMMARY OF POTENTIAL ENVIRONMENTAL EFFECTS

A. EFFECTS FOUND TO BE POTENTIALLY SIGNIFICANT

The 949 Market Street project is examined in this Initial Study to identify potential effects on the environment. Impacts on historic architectural resources, shadow on public open space, wind and transportation have been determined to be potentially significant, and will be analyzed in an Environmental Impact Report (EIR). In addition, the EIR will discuss land use and visual quality impacts for informational purposes, although the proposed project is determined in this Initial Study to have less-than-significant land use impacts.

³ Planning Code Section 151 requires one parking space per every four residential units in the C-3 district; off-street parking requirements are waived for the retail use of the project, per Planning Code 161(c).

B. EFFECTS FOUND NOT TO BE SIGNIFICANT

The following potential impacts were determined either to be insignificant or to be mitigated to a less-than-significant level through measures included in the project. These items are discussed in Section III below, and require no further environmental analysis in the EIR: land use, population, visual quality, noise, air quality (excluding wind and shadow), utilities/public services, biology, geology/topography, water, energy, hazards and archaeological resources. As noted above, although land use and visual quality are fully addressed herein, these topics will also be presented in the EIR for informational purposes.

III. ENVIRONMENTAL EVALUATION CHECKLIST AND DISCUSSION

A. COMPATIBILITY WITH EXISTING ZONING AND PLANS

| | <u>Discussed</u> | <u>Not Applicable</u> |
|---|------------------|---------------------------|
| 1) Discuss any variances, special authorizations, or Changes proposed to the City Planning Code or Zoning Map, if applicable. | <u>X</u> | <u> </u> |
| 2) Discuss any conflicts with any adopted environmental Plans and goals of the City or Region, if applicable. | <u>X</u> | <u> </u> |

The San Francisco Planning Code, which incorporates by reference the City Zoning Maps, governs permitted uses, densities and configuration of buildings within San Francisco. Permits to construct new buildings or to alter or demolish existing ones may not be issued unless the proposed project conforms to the Code or an exception is granted pursuant to provisions of the Code.

The project site is within a C-3-G (Downtown General Commercial) District. Section 210.3 of the Planning Code states that the C-3-G District “covers the western portions of downtown and is composed of a variety of uses: Retail, offices, hotels, entertainment, clubs and institutions, and high-density residential. Many of these uses have a citywide or regional function, although the intensity of development is lower here than in the downtown core area. As in the case of other downtown districts, no off-street parking is required for individual commercial buildings, but in portions of this district automobile parking is a major land use, serving this district and the adjacent office and retail core areas. In the vicinity of Market Street, the configuration of this district reflects easy accessibility by rapid transit.” Retail sales and residential dwellings are principal permitted land uses in the C-3-G District.

The project site is within the 120-X Height and Bulk District (120-foot basic height limit, with some exceptions for heights exceeding 120 feet to accommodate mechanical equipment necessary for the operation of the building; the “X” bulk limit indicates that there are no bulk requirements in this district). The height of the 119-foot tall project building would be permitted as proposed. The project would have a floor area ratio (FAR) of 9:1, which exceeds the maximum basic FAR permitted in the C-3-R District of 6:1, but would be under the maximum allowable FAR of 9:1 with Transfer of Development Rights

(TDRs) per Planning Code Section 123(c)(2). Zoning in the project vicinity is generally C-3-R (Downtown Retail) to the east of Fifth Street.

Section 309 of the Planning Code, Permit Review in C-3 Districts, governs the review of project authorization and building and site permit applications in C-3 Districts. The project would require review and approval at a public hearing by the Planning Commission under Section 309 because the sponsor seeks exceptions, pursuant to Section 309, to the following Code sections:

- Section 134(d) Reduction of Rear Yard Requirements in C-3 Districts, because the building would be built from the Market Street frontage lot-line to the Stevenson Street rear lot-line and there would be no provision for rear yard space;
- Section 132.1(b) Market Street Setback), because the proposed structure would not incorporate a 25 foot set back from the Market Street property line at a height of 90 feet; and
- Section 148 Reduction of Ground-level Wind Currents in C-3 Districts, because the project would not eliminate all of the existing pedestrian comfort criteria exceedances.

Section 309 also permits the imposition of certain conditions in regard to such matters as a project's siting and design; view, shadow and wind characteristics; parking, traffic and transit effects; energy consumption; pedestrian environment and other matters.

The project would require a variance due to the proposed project's provision of Inner Courts (Sections 135(f)(2)(B) and 135(g)(2)), because the inner courts would not be facing a street or a yard, and the horizontal dimensions of the clear space would be less than 45 degrees, as measured from the lowest point of the inner court to the maximum building height. Additionally, the project would require a variance from Planning Code Section 140(1) and (2) because the inner dwelling units would not be facing a public street or alley of at least 25-feet in width. The project would require Conditional Use Authorization because it would exceed the requirement of one parking space for every four residential units as established by Section 151, Required Off-Street Parking Spaces.

The project would be subject to Planning Code Section 295 (shadow on certain public open spaces) and Section 146 (sunlight on public sidewalks in the C-3 Districts). A synopsis of shadow effects related to both Code sections is provided on p. 21 and in greater depth in the EIR.

Environmental plans and policies, like the *Bay Area '97 Clean Air Plan*, directly address physical environmental issues and/or contain standards or targets that must be met in order to preserve or improve specific components of the City's physical environment. The proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy.

The City and County of *San Francisco General Plan* (General Plan) provides general policies and objectives to guide land use decisions. The proposed project is within that part of San Francisco covered by

the Downtown Plan, an area plan contained within the General Plan. The proposed project could conflict with certain General Plan policies and could be consistent with others. In general, potential conflicts with the General Plan are considered by the decisions-makers (normally the Planning Commission) independently of the environmental review process, as part of the decision to approve, modify or disapprove a proposed project. Any potential conflict not identified here could be considered in that context and would not alter the physical environmental effects of the proposed project. The relationship of the proposed project to objectives and policies of the General Plan will be discussed in the EIR.

On November 4, 1986, the voters of San Francisco passed Proposition M, the Accountable Planning Initiative, which established eight Priority Policies. These policies are: preservation and enhancement of neighborhood-serving retail uses; protection of neighborhood character; preservation and enhancement of affordable housing; discouragement of commuter automobiles; protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership; earthquake preparedness; landmark and historic building preservation; and protection of open space. Prior to issuing a permit for any project which requires an Initial Study under the *California Environmental Quality Act* (CEQA), or adopting any zoning ordinance or development agreement, the City is required to find that the proposed project or legislation is consistent with the Priority Policies. The motion for the Planning Commission under Planning Code Section 309 will contain the analysis determining whether the project is in conformance with the Priority Policies.

B. ENVIRONMENTAL EFFECTS

| 1) <u>Land Use</u> . Could the project: | <u>Yes</u> | <u>No</u> | <u>Discussed</u> |
|--|------------|-----------|------------------|
| (a) Disrupt or divide the physical arrangement of an established community? | _____ | <u>X</u> | <u>X</u> |
| (b) Have any substantial impact upon the Existing character of the vicinity? | _____ | <u>X</u> | <u>X</u> |

The nearly 23,400 square-foot project site is currently occupied by 949-961 Market Street (also known as 949 Market Street), one 40-foot tall and one 66-foot tall, two-story plus basement rectangular buildings that have been mostly vacant for the past few years and previously served commercial, retail and entertainment uses. The buildings provide approximately 44,000 square feet (sq. ft.) of space.

Vicinity land uses in the C-3-G district include: retail, office, hotel, entertainment, institutional and high-density residential uses. The closest residential district is the RC-4 (Residential-Commercial Combined, High Density) Zoning District, located one block away to the north of Market Street. In the immediate vicinity of the project site to the north and west are a number of structures over 80 feet tall. These buildings include the 103-foot tall Golden Gate Theatre at the intersection of Taylor Street and Golden Gate Avenue, the Warfield Theatre and office building at 982 Market Street, and an approximately 90-foot tall residential development at 100 Jones Street. At the corner of Market and Sixth Street at 997 Market is a 14-story

commercial building. Adjacent to that building is an eight-story and a seven-story building. The southwest corner of Market and Fifth Streets contains a 72-foot tall, five-story plus mezzanine level commercial building at 901 Market Street.

Public open spaces in the greater vicinity of the project site include Hallidie Plaza, Boedekker Park and the United Nations Plaza. Hallidie Plaza is located roughly one block northeast of the project site at the foot of Powell Street where it intersects Market Street. Boedekker Park is located in the Tenderloin neighborhood roughly four blocks northwest of the project site and is bounded by Jones, Eddy, Taylor and Ellis Streets. United Nations Plaza is a long, rectangular public open space that connects the Civic Center Plaza to Market Street.

The proposed project, a new twelve-story residential and retail building of approximately 241,200 sq. ft., would introduce residential use to the project site and result in an increase in intensity of existing land uses on the project site, given that the existing building is about one-fifth of the proposed size and has been mostly vacant for the last few years. However, the project would not alter the general land use or character of the immediate area, which includes many mixed-use commercial and residential buildings.

The project would not disrupt or divide the neighborhood since it would be achieved within the existing block configuration, and retail and residential uses predominate in the vicinity. Residential units are not common in the immediate vicinity along Market Street, however the proposed residential units would not be an intensive enough use to conflict with existing uses in the vicinity. Land use effects of the proposed project would be less-than-significant and, as such, this topic does not need to be further analyzed in the EIR. However, land use issues will be discussed in the EIR for informational purposes. Neighborhood character, as it relates to historic preservation, will be discussed in the EIR analysis of historic architectural resources.

| 2) <u>Visual Quality</u> . Could the project: | <u>Yes</u> | <u>No</u> | <u>Discussed</u> |
|--|------------|-----------|------------------|
| (a) Have a substantial, demonstrable negative aesthetic effect? | _____ | <u>X</u> | <u>X</u> |
| (b) Substantially degrade or obstruct any scenic view or vista now observed from public areas? | _____ | <u>X</u> | <u>X</u> |
| (c) Generate obtrusive light or glare substantially impacting other properties? | _____ | <u>X</u> | <u>X</u> |

The proposed project would result in a visual change to the project site since it would consist of the demolition of an existing two-story building and new construction of a modern twelve-story building in its place. The proposed structure would differ visually from the existing structure in a number of ways, including height, streetwall, and architectural style. However, the project would not be inconsistent with the wide range of building styles in the area. Therefore, the proposed project would not result in a

substantial, demonstrable negative aesthetic effect or substantially degrade the existing visual characteristics or quality of the site and its surroundings.

Visual changes on the site would not substantially change or block any scenic vista currently enjoyed from public open spaces in the area. The proposed project would be constructed within a densely built urban area. From long-range vantage points, such as Potrero Hill and Twin Peaks, the proposed project would be indistinguishable from the context of surrounding and other nearby buildings. When viewed from Hallidie Plaza, one block northeast of the project site, the proposed project would appear as part of the nearly continuous street wall along Market Street of densely built commercial buildings and would not substantially block any view or scenic vista.

Although the increased building height on the project site would be visible from surrounding buildings, the proposed project would not obstruct any publicly accessible scenic views or have a substantial adverse effect on a scenic vista from Hallidie Plaza or Union Square, a public park located five blocks northeast of the project site. The proposed project would therefore have less-than-significant effects on scenic views and vistas.

The project would comply with Planning Commission Resolution 9212, which prohibits the use of mirrored or reflective glass. Thus, the project would not produce glare affecting other properties. This topic will be discussed in the EIR for informational purposes.

| 3) <u>Population</u> . Could the project: | <u>Yes</u> | <u>No</u> | <u>Discussed</u> |
|--|------------|-----------|------------------|
| (a) Induce substantial growth or concentration of population? | _____ | <u>X</u> | <u>X</u> |
| (b) Displace a large number of people (involving either housing or employment)? | _____ | <u>X</u> | _____ |
| (c) Create a substantial demand for additional housing in San Francisco, or substantially reduce the housing supply? | _____ | <u>X</u> | <u>X</u> |

San Francisco consistently ranks as one of the most expensive housing markets in the United States. San Francisco is the central city in an attractive region known for its agreeable climate, open space and recreational opportunities, cultural amenities, strong and diverse economy, and prominent educational institutions. As a regional employment center, San Francisco attracts people who want to live close to where they work. These factors continue to support strong housing demands in the City. New housing to relieve the market pressure created by the strong demand is particularly difficult to provide in San Francisco because the amount of land available for residential use is limited, and because land and development costs are high.

An estimated 311,400 households resided in San Francisco in 1995. By 2015, San Francisco households are expected to increase by 32,200 households, a 10 percent increase.⁴ Based on a nexus study prepared for the proposed update of the Office Affordable Housing Production Program (proposed to be renamed the Jobs-Housing Linkage Program), employment (assuming conservatively that all existing employees would relocate and, if living in the City, would continue to do so) generated by the project's retail uses would be about 12 employees,⁵ and would create a demand for about 4 new dwelling units.⁶ The proposed project would provide 140 dwelling units, thereby exceeding its housing demand. Unmet housing demand in and of itself is not a physical environmental effect, but an imbalance between local employment and housing can lead to long commutes with traffic and air quality impacts.

Although housing affordability and availability remains an important policy issue in San Francisco and throughout the Bay Area, project employment, even if it were to represent all new residents, would result in an extremely small contribution to overall housing demand, and would not be considered significant. The project would not be expected to induce any substantial amount of new growth, either residential or commercial. Moreover, because the two existing structures on the project site are vacant, the project would not displace any current employees. Therefore, population and housing require no further analysis in the EIR.

| 4) <u>Transportation/Circulation</u> – Could the project: | <u>Yes</u> | <u>No</u> | <u>Discussed</u> |
|---|------------|-----------|-------------------------|
| (a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system? | | | <u>To be determined</u> |
| (b) Interfere with existing transportation systems, causing substantial alterations to circulation patterns or major traffic hazards? | | | <u>To be determined</u> |
| (c) Cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity? | | | <u>To be determined</u> |
| (d) Cause a substantial increase in parking demand which cannot be accommodated by existing parking facilities? | | | <u>To be determined</u> |

⁴ San Francisco Planning Department *Interim Transportation Impact Analysis Guidelines for Environmental Review*, January 2000; and Keyser Marston Associates, Inc., *San Francisco Cumulative Growth Scenario: Final Technical Memorandum*, prepared for the San Francisco Redevelopment Agency, March 30, 1998.

⁵ Based on a standard multiplier of 275 gross sq. ft. (gsf) per office employee and 350 gsf per retail employee. Source cited above.

⁶ This method multiplies the estimated project-related employment (12 employees) by the fraction of San Francisco employees who live in the City (55%). This result, the approximate number of project-related employees who would live in the City (7), is divided by the average number of San Francisco workers in households where San Francisco workers reside (1.63). The estimated housing demand would be 4 units ($12 \times 0.55 \div 1.63 = 4$). Based on Keyser Marston Associates, Inc., as cited in notes 4 and 5.

The proposed project would introduce parking spaces to the project site and would result in an increase in traffic, pedestrian and bicycle activity, parking demand, and transit use. The project's potential effects on traffic circulation, parking and transit will be analyzed in the EIR.

| 5) <u>Noise</u> . Could the project: | <u>Yes</u> | <u>No</u> | <u>Discussed</u> |
|--|------------|-----------|------------------|
| (a) Increase substantially the ambient noise levels for adjoining areas? | _____ | <u>X</u> | <u>X</u> |
| (b) Violate Title 24 Noise Insulation Standards, if applicable? | _____ | <u>X</u> | <u>X</u> |
| (c) Be substantially impacted by existing noise levels? | _____ | <u>X</u> | <u>X</u> |

Traffic Noise

Generally, traffic must double in volume to produce a noticeable increase in noise levels. Traffic volumes in the vicinity of the project site would not be expected to double as a result of the project; therefore, substantial increases in traffic noise in the project area would not be anticipated. Freight loading activities would increase markedly, because the project would represent an introduction of new uses to a site where there is currently no activity. However, given the project's location in a dense urban area where regular loading activity is common, noise associated with loading activities would not be substantial. Traffic noise would not be significant and requires no further discussion in the EIR.

Land Use Compatibility

The State of California has prepared guidelines for determining the compatibility of various land uses with different noise environments. For office uses, the guidelines recommend that necessary noise insulation features be included in new construction in areas where the noise levels are greater than about 68 Ldn (day-night background noise level). For multi-family residential uses, the recommendation applies when noise levels are greater than about 60 Ldn.

To ensure that occupants of residential units are not adversely affected by proximity to traffic noise, standard noise insulation measures would be included as part of the design for the proposed project, as required under Title 24 of the California Code of Regulations. Such standards are applicable to construction of multi-family dwelling units, including live/work, and require that exterior noise be attenuated such that the interior noise level of any habitable room does not exceed 45db. (According to noise contours in the Environmental Protection Element of the General Plan, ambient noise levels in the project vicinity are estimated to be about 65 dBA.) The Department of Building Inspection would review the final building plans to insure that the building wall and floor/ceiling assemblies meet State standards regarding sound transmission.

The proposed project would introduce new residential uses to a predominantly commercial area of Market Street. Given the above-noted regulations, however, existing noise levels would not significantly affect the proposed project. Therefore, these effects will not be analyzed further in the EIR.

Building Equipment Noise

The project would include mechanical equipment, such as air conditioning units and chillers, that could produce operational noise. These operations would be subject to the San Francisco Noise Ordinance, Article 29 of the San Francisco Police Code. The project would be required to comply with Article 29, Section 2909, "Fixed source noise levels," which regulates mechanical equipment noise. The proposed project would be required to comply with these noise limits. Since equipment noise would be limited by the ordinance to 60 dBA during the night and 70 dBA during the day, the project's operational noise would generally not exceed ambient noise levels in the project area and therefore, would not be significant. Therefore, building equipment noise will not be analyzed further in the EIR.

Construction Noise

Demolition, excavation, and building construction would temporarily increase noise in the site vicinity. The construction period, including demolition of the existing buildings, would last approximately 20 months. Construction noise levels would fluctuate depending on construction phase, equipment type and duration of use, distance between noise source and listener, and presence or absence of barriers. The project would not require pile driving; therefore, groundborne vibration and noise would be limited.

During the construction period, temporary construction noise would be noticed by neighboring retail and office workers. There are no nearby residences or other "sensitive receptors," such as schools or hospitals. Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the City Police Code). The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools (such as jackhammers and impact wrenches) must have both intake and exhaust muffled to the satisfaction of the Director of Public Works. Section 2908 of the Ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m., if noise would exceed the ambient noise level by five dBA at the project property line, unless a special permit is authorized by the Director of Public Works.

At times during construction, noise levels would disturb surrounding building occupants and could interfere with indoor activities in nearby stores and offices. Noise impacts would be temporary and intermittent in nature and limited to the period of construction. Further, project construction would comply with the San Francisco Noise Ordinance. Therefore, construction noise is not considered a significant environmental impact.

In light of the above, noise associated with the operation and construction of the proposed project would not be significant and will not be analyzed further in the EIR.

| 6) <u>Air Quality/Climate</u> – Could the project: | <u>Yes</u> | <u>No</u> | <u>Discussed</u> |
|--|-------------------------|-----------|------------------|
| (a) Violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation? | — | <u>X</u> | <u>X</u> |
| (b) Expose sensitive receptors to substantial pollutant concentrations? | — | <u>X</u> | <u>X</u> |
| (c) Permeate its vicinity with objectionable odors? | — | <u>X</u> | — |
| (d) Alter wind, moisture or temperature (including sun shading effects) so as to substantially affect public areas, or change the climate either in the community or region? | <u>To be determined</u> | | |

Air Quality

The Bay Area Air Quality Management District (BAAQMD) has established thresholds for projects requiring its review for potential air quality impacts. These thresholds reflect the minimum size of projects that the BAAQMD considers capable of producing air quality problems due to vehicular emissions. Generally, for retail and commercial projects, the threshold is between 4,100 and 4,500 daily vehicle trips, and the BAAQMD generally does not require a detailed air quality analysis for projects generating fewer than 2,000 vehicle trips per day. It is estimated that the project would generate about 490 daily vehicle trips. Therefore, the project would not result in any significant air quality impacts due to vehicular emissions.

Construction Emissions

Because the project would involve limited earthmoving activities, effects of ground-disturbing construction on local air quality would be limited. To the extent that the project would generate dust from earthmoving or demolition, it could cause a temporary increase in particulate dust and other pollutants. Heavy equipment could create dust and emit nitrogen oxides (NO_x), carbon monoxide (CO), sulfur dioxide (SO₂), hydrocarbons (HC), and particulate matter with a diameter of 10 microns or less (PM₁₀) as a result of diesel fuel combustion.

Dust emission during demolition and limited earthmoving would increase particulate concentrations near the site. Dust can be expected at times to fall on surfaces located within 200 to 800 feet of the project site. Under winds exceeding 12 miles per hour, localized effects including human discomfort might occur downwind from blowing dust. Construction dust is composed primarily of larger particles that settle out of the atmosphere more rapidly with increasing distance from the source and are easily filtered by human breathing passages. In general, construction dust would result in more of a nuisance than a health hazard in the vicinity of construction activities. About one-third of the dust generated by construction activities consists of smaller size particles in the range that can be inhaled by humans (*i.e.*, particles 10 microns or smaller in diameter), known as PM₁₀, although those particles are generally inert.

Persons with respiratory diseases immediately downwind of the site, as well as any unprotected electronics equipment, could be sensitive to this dust.

The Bay Area Quality Management District (BAAQMD), in its CEQA Guidelines, has identified a set of feasible PM₁₀ control measures for construction activities that would be included as project conditions. The project sponsor would require the contractor to dampen the construction site twice a day during construction to reduce particulates by at least 50 percent; would require covering soil, sand and other material; and would require street sweeping around the site during demolition and construction at least once per day (see Mitigation Measure No. 1, p. 31). With implementation of this measure, construction-related air quality effects would be reduced to a less-than-significant level.

Shadow

Section 295 of the Planning Code was adopted in response to Proposition K (passed in November 1984) in order to protect certain public open spaces from shadowing by new structures during the period between one hour after sunrise and one hour before sunset, year round. Section 295 restricts new shadow upon public spaces under the jurisdiction of the Recreation and Park Department by any structure exceeding 40 feet unless the Planning Commission finds the impact to be insignificant. The proposed 119-foot-tall project would be subject to Section 295.

The project site is also located in an area subject to Section 146 of the Planning Code, which protects sunlight access within the C-3 (Downtown Commercial) Districts. Specifically, Section 146 sets forth provisions to maintain direct sunlight on certain public sidewalks during critical periods of use through prescribed sun access planes defined by an angle sloping away from the street above a stipulated height at the property line abutting the street. These provisions apply to new structures and additions to existing structures on parcels on regulated streets. The project site is located within a street segment subject to Section 146: the south side of Market Street from Tenth Street to Second Street. This segment of Market Street has a required sun access angle for a street wall above 119 feet. The proposed project would be 119 feet tall on Market Street, and would comply with this requirement.

The results of the shadow fan analysis conducted by the Planning Department and new shadow cast by the project will be discussed in the EIR.

Wind

Wind impacts are generally caused by large building masses extending substantially above their surroundings, and by buildings oriented such that a large wall catches a prevailing wind, particularly if such a wall includes little or no articulation. The 119-foot tall project building would add a new structure to the project site that would be 80 feet taller than the existing structure. Because the project could generate significant impacts related to wind, the analysis of potential project-related effects on wind conditions in the vicinity of the project site will be discussed at length in the EIR.

| 7) <u>Utilities/Public Services.</u> Could the project: | <u>Yes</u> | <u>No</u> | <u>Discussed</u> |
|--|------------|-----------|------------------|
| (a) Breach published national, state or local standards relating to solid waste or litter control? | _____ | <u>X</u> | _____ |
| (b) Extend a sewer trunk line with capacity to serve new development? | _____ | <u>X</u> | _____ |
| (c) Substantially increase demand for schools, recreation or other public facilities? | _____ | <u>X</u> | <u>X</u> |
| (d) Require major expansion of power, water, or communications facilities? | _____ | <u>X</u> | <u>X</u> |

The proposed project would incrementally increase demand for and use of public services and utilities on the site and increase water consumption, but not in excess of amounts expected and provided for in the project area, and would not be expected to have any measurable impact on public services or utilities. Similarly, because of the limited size of the proposed project and the nature of the residential units that it would provide, the project would have a negligible effect on the demand for schools and recreational facilities in the vicinity. The project would be undertaken in a fully built-out area of downtown San Francisco, where all utilities and services are currently provided for; no need for any expansion of public utilities or public service facilities is anticipated. This topic requires no further analysis and will not be included in the EIR.

| 8) <u>Biology.</u> Could the project: | <u>Yes</u> | <u>No</u> | <u>Discussed</u> |
|--|------------|-----------|------------------|
| (a) Substantially affect a rare or endangered species of animal or plant or the habitat of the species? | _____ | <u>X</u> | <u>X</u> |
| (b) Substantially diminish habitat for fish, wildlife or plants, or interfere substantially with the movement of any resident or migratory fish or wildlife species? | _____ | <u>X</u> | <u>X</u> |
| (c) Require removal of substantial numbers of mature, scenic trees? | _____ | <u>X</u> | <u>X</u> |

The project site is covered entirely by the existing building, and no tree exists on the site. The project site is in a densely developed, intensive urban area where the project would not affect any threatened, rare or endangered animal or plant life or habitat. The project would not interfere with any resident or migratory species. Therefore, the project would not have any effect on any rare or endangered animal or plant species or habitat, and this topic will not be discussed in the EIR.

| 9) <u>Geology/Topography</u> . Could the project: | <u>Yes</u> | <u>No</u> | <u>Discussed</u> |
|---|------------|-----------|------------------|
| (a) Expose people or structures to major geologic hazards (slides, subsidence, erosion and liquefaction)? | _____ | <u>X</u> | <u>X</u> |
| (b) Change substantially the topography or any unique geologic or physical features of the site? | _____ | <u>X</u> | <u>X</u> |

According to a preliminary geotechnical analysis prepared by Treadwell and Rollo,⁷ to investigate subsurface conditions beneath the project site, two soil borings were conducted. One boring was performed in the basement of the existing building at the northwest corner of the site to a depth of 61 feet below the basement slab. A second boring was performed through the sidewalk on Stevenson Street near the southeast corner of the existing building on the site to a depth of 80.5 feet. The soil conditions encountered were varied (sand fill underlain by Dune sand and Colma Formation soil) but consistent with the geology of the area and available subsurface information for other projects in the vicinity, including the original borings performed for BART.

The preliminary geotechnical analysis concluded that “there are no adverse soil conditions on the site that would preclude construction of a 12-story building with one basement.” The analysis did, however, identify three primary factors that must be addressed by the project design: potential seismic hazards associated with the presence of medium dense silty sand and marsh deposit beneath one portion of the site, shoring and underpinning requirements due to adjacent buildings, and the presence of BART and MUNI tunnels. These three issues are discussed below.

The project site is not in an Alquist-Priolo Special Studies Zone, and no known active fault exists on or in the immediate vicinity of the site. The closest active faults are the San Andreas Fault, 7 miles to the west, and the Hayward Fault, 12 miles to the east. Like the entire San Francisco Bay Area, the project site is subject to groundshaking in the event of an earthquake on these faults, although surface rupture is unlikely.

The project site is located in an area of liquefaction potential, in a Seismic Hazards Study Zone (SHSZ) designated by the California Division of Mines and Geology. According to the preliminary geotechnical analysis, there is no evidence of significant seismically induced ground deformation in the immediate vicinity of the project site during either the 1906 or 1989 earthquakes. For any development proposal in an area of liquefaction potential, the Department of Building Inspection (DBI) will, in its review of the building permit application, require the project sponsor to prepare a geotechnical report pursuant to the State Seismic Hazards Mapping Act. DBI would assess the nature and severity of the hazard(s) on the site and recommend project design and construction features that would reduce the hazard(s).

⁷ Treadwell and Rollo, letter prepared for DWI Development regarding Geotechnical Feasibility Assessment for 949-965 Market Street, April 3, 2001. This letter is on file at the San Francisco Planning Department, 1660 Mission Street, San Francisco, Project File No. 2000.965E.

To ensure compliance with all San Francisco Building Code provisions regarding structural safety, when DBI reviews the geotechnical report and building plans for a proposed project, it will determine necessary engineering and design features for the project to reduce potential damage to structures from groundshaking and liquefaction. Therefore, potential damage to structures from geologic hazards on the project site would be mitigated through the DBI requirement for a geotechnical report and review of the building permit application pursuant to its implementation of the Building Code (see Mitigation Measure 2, p. 31).

According to the preliminary geotechnical analysis, during demolition of the existing basement and installation of new foundations, it could be necessary to underpin adjacent buildings to the east and west and install shoring along the north and south sides of the site. Shoring would likely consist of soldier pile with wood lagging and hand-excavated, end-bearing piers. Along Stevenson Street, tiebacks would also likely be necessary. These protective measures would be implemented under the supervision of DBI.

The project's structural system is expected to consist of a cast-in-place concrete basement floor and post-tensioned concrete slabs for the upper floors. The building walls would likely consist of either cast-in-place concrete or shotcrete. The finished floor elevation for the proposed basement level would be about the same as the current basement. Because the basements of the existing buildings span the entirety of the project site, the proposed project would not entail substantial subsurface excavation. Due to the project site's location over the Market Street BART subway system (the imaginary zone of influence line from the nearby BART tunnels extends beneath the northern approximately 85 feet of the site), the project sponsor would be required to apply for a permit from BART to encroach upon BART's right of way.⁸ Any new construction would additionally be required to adhere to BART's *General Guidelines for Design and Construction Over or Adjacent to BART Subway Structures*.

A minimal amount of surface soils would be removed from the site resulting from drilling for the pre-cast H piles (low displacement piles), pile caps and preparation of the mat foundation. The predrilled steel H piles would be the most appropriate deep foundation system provided the piles are predrilled below the BART zone-of-influence line (50 feet below sidewalk grade along the front of the building). The lengths of the piles would vary from roughly 70 feet along the northern property line to 20 feet or less in the south half of the site. Where the building is outside the BART zone of influence, a shallow mat foundation system would most likely be employed.⁹

Based on the above, the project would not alter the topography of the site and would not result in soil erosion, the possibility of subsurface soil disruption occurring is unlikely, and the site will remain entirely covered by impervious surfaces. Effects related to geology and seismicity would therefore not be significant, and no further analyses is required in the EIR.

⁸ The Right of Way Division of BART's Real Estate Services Department coordinates permitting and plan review for any construction on, or adjacent to, the BART right of way.

⁹ The final geotechnical report will detail the specific foundation design that would be used for the project.

| 10) <u>Water</u> . Could the project: | <u>Yes</u> | <u>No</u> | <u>Discussed</u> |
|--|------------|-----------|------------------|
| (a) Substantially degrade water quality, or Contaminate a public water supply? | _____ | <u>X</u> | _____ |
| (b) Substantially degrade or deplete ground-water resources, or interfere substantially with groundwater recharge? | _____ | <u>X</u> | <u>X</u> |
| (c) Cause substantial flooding, erosion or Siltation? | _____ | <u>X</u> | _____ |

The project site is entirely covered by impervious surfaces. The project would not increase the area of impervious surface on the site, and would not alter the drainage pattern of the site; site runoff would continue to drain into the City's combined sanitary and storm sewer system, as at present. Therefore, neither groundwater resources nor runoff and drainage would be affected.

As the project would include only minimal soil movement and groundwater levels are anticipated to range between 20 and 25 feet below street grade, temporary dewatering would not be required. Any groundwater encountered during construction would be subject to the Bay Area Rapid Transit Construction Guidelines¹⁰ and the requirements of the City's Industrial Waste Ordinance (Ordinance No. 199-77), requiring that groundwater meet specified standards before it may be discharged into the sewer system. The Bureau of Environmental Regulation and Management of the Department of Public Works must be notified of projects necessitating dewatering. That office may require water analysis before discharge. Should dewatering be necessary, the final soils report would address the potential settlement and subsidence impacts of this dewatering. Based upon this discussion, the report would contain a determination as to whether or not a lateral movement and settlement survey should be done to monitor any movement or settlement of surrounding buildings and adjacent streets. If a monitoring survey is recommended, the Department of Public Works would require that a Special Inspector (as defined in Article 3 of the Building Code) be retained by the project sponsor to perform this monitoring.

Groundwater observation wells would be installed to monitor potential settlement and subsidence. If, in the judgment of the Special Inspector, unacceptable movement were to occur during dewatering, groundwater recharge would be used to halt this settlement. Costs for the survey and any necessary repairs to service lines under the street would be borne by the project sponsor.

Effects related to water resources would not be significant, and no further analysis is required in the EIR.

¹⁰ The project would be required to adhere to BART's Guidelines for new construction due to the project site's location immediately on top of the BART and Muni Metro subway system (see above). These guidelines are summarized in the *Preliminary Geotechnical Investigation* cited above and would require monitoring of any changes in groundwater levels during dewatering. A groundwater recharge program would be required if the existing groundwater level would drop more than two feet.

| | | | |
|---|------------|-----------|------------------|
| 11) <u>Energy/Natural Resources</u> . Could the project: | <u>Yes</u> | <u>No</u> | <u>Discussed</u> |
| (a) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner? | _____ | <u>X</u> | <u>X</u> |
| (b) Have a substantial effect on the potential use, extraction, or depletion of a natural resource? | _____ | <u>X</u> | _____ |

New buildings in San Francisco are required to conform to energy conservation standards specified by Title 24 of the California Code of Regulations. Documentation showing compliance with these standards is submitted with the application for the building permit. Title 24 is enforced by the Department of Building Inspection. Because the project would meet current state and local codes concerning energy consumption and would not cause a wasteful use of energy, effects related to energy consumption would not be significant and therefore require no further analysis in the EIR.

| | | | |
|--|------------|-----------|------------------|
| 12) <u>Hazards</u> . Could the project: | <u>Yes</u> | <u>No</u> | <u>Discussed</u> |
| (a) Create a potential public health hazard or involve the use, production or disposal of materials which pose a hazard to people or animal or plant populations in the area affected? | _____ | <u>X</u> | <u>X</u> |
| (b) Interfere with emergency response plans or emergency evacuation plans? | _____ | <u>X</u> | _____ |
| (c) Create a potentially substantial fire hazard? | _____ | <u>X</u> | _____ |

An environmental profile and a Phase I Environmental Site Assessment of the existing conditions of the project site were conducted and are summarized here.¹¹

According to the Phase I Environmental Assessment, from 1909 until the present, the existing buildings on the site were occupied by a structure that housed the St. Francis Theatre (formerly the Empress Theatre), small-scale retail establishments, a bathing facility and entertainment uses (a billiard hall). The Phase I identified the presence of underground storage tanks, electrical generators and supply tanks.

In addition, an abandoned underground heating fuel storage tank was found to be located beneath the sidewalk at the southeast corner of the site. A reconnaissance inspection of the tank performed by *Golden Gate Tank Removal* on December 17, 1999, concluded that bunker oil remained in the tank.

¹¹ Terra Firma Consulting, LLC. *Environmental Site Assessment Report, 949-965 Market Street, San Francisco, CA, January 21, 2000*, prepared for The Lurie Company, 555 California Street, Ste. 5100, San Francisco, CA 94104. Hazardous Materials Assessment (HMA), *Asbestos Survey #9412*, prepared for Kofman Engineering Service Ltd, 1303 Yonge St., Toronto, Ontario M4T2Y9, Canada. These reports are on file at the San Francisco Planning Department, 1660 Mission Street, San Francisco, Project File No. 2000.965E.

According to a San Francisco Department of Public Health case closure summary dated September 15, 2000, a 1,750-gallon heating oil underground storage tank was removed from beneath the sidewalk at the project site. Two soil samples taken from beneath the tank did not detect any hydrocarbons in the tank cavity. The Department of Public Health found the site investigation and corrective action in compliance with the requirements of subdivisions (a) and (b) of sections 25299.37 of the Health and Safety Code, and that no further action related to this issue is required.¹²

There is anecdotal information that an electric generator, which provided on-site power for the theatre prior to 1968, is located in the westerly portion of the theatre building basement. The portion of the basement thought to contain the equipment has been walled off from the rest of the building and backfilled with sand, so direct observation was not possible. A stand-alone electrical generator of this type would have typically been fueled from a 750 - 1,500 gallon capacity aboveground or vaulted diesel storage tank. No fuel ports or vent pipes were located on the exterior of the building at this location; however, there is no permit for, or record of, removal of a diesel tank from the structure at the San Francisco Building or Fire Departments, and therefore the supply tank is still presumed to be located in the walled-off area, containing an unknown amount of product. To address proper abandonment or removal of the underground storage tank, electrical generator and supply tank, a mitigation measure has been included (see Mitigation Measure 3a, p. 31).

The project site is not within the “Maher Ordinance” area (largely the part of San Francisco created by landfill along San Francisco’s historic northeast, east, and southeast shoreline) that is governed by Article 20 of the San Francisco Public Works Code, and therefore no analysis of site soil for hazardous wastes is required pursuant to that ordinance. The project includes a mitigation measure to avoid exposure to hazardous materials by workers and others (see Mitigation Measure No. 3b, p. 32).

Hazardous Building Materials

Asbestos-containing building materials have been identified within the existing 949-961 Market Street buildings. They include pipe insulation, floor tiles, pipe elbow mud, air duct sealant, ceiling tile and sprayed acoustical ceiling materials. The Bay Area Air Quality Management District (BAAQMD) is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition. Notification includes the names, addresses and phone numbers of operations and persons responsible, including the contractor; description and location of the structure to be renovated/demolished including size, age and prior use, and the approximate amount of friable asbestos; scheduled starting and completion dates of demolition; nature of planned work and methods to be employed; procedures to be employed to meet BAAQMD requirements; and the name and location of the

¹² Remedial Action Completion Certificate addressed to Amie Hollander of the Lurie Company (property owner) from the Department of Public Health, dated September 15, 2000. This correspondence is on file at the San Francisco Planning Department, 1660 Mission Street, San Francisco, Project File No. 2000.965E.

waste disposal site to be used. The BAAQMD randomly inspects removal operations. In addition, the BAAQMD inspects any removal operations for which a complaint has been received.

The local office of the State Occupational Safety and Health Administration (OSHA) must be notified of asbestos abatement to be carried out. Asbestos abatement contractors must follow State regulations contained in 8 CCR 1529 and 8 CCR 341.6 through 341.14 where there is asbestos-related work involving 100 square feet or more of asbestos-containing material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California. The owner of the properties where abatement would occur must have a Hazardous Waste Generator Number assigned by, and registered with, the California Department of Health Services in Sacramento. The contractor and the hauler of the material are required to file a Hazardous Waste Manifest that details the hauling of the material from the site and the disposal of the material. Pursuant to California law, the Department of Building Inspection would not issue the required permit until the applicant has complied with the notice requirements above.

These regulations and procedures, already established as part of the permit review process, would ensure that any potential adverse impacts due to asbestos would be reduced to a level of insignificance. Therefore, no further mitigation is required.

Lead paint is also extant in the building. Construction and renovation activities must comply with Chapter 36 of the San Francisco Building Code, Work Practices for Exterior Lead-Based Paint. Where there is any work that may disturb or remove lead paint on the exterior of any building built prior to December 31, 1978, Chapter 36 requires specific notification and work standards, and identifies prohibited work methods and penalties.

Chapter 36 applies to buildings or steel structures on which original construction was completed prior to 1979 (which are assumed to have lead-based paint on their surfaces), where more than ten total square feet of lead-based paint would be disturbed or removed. The ordinance contains performance standards, including establishment of containment barriers that are at least as effective at protecting human health and the environment as those in the most recent *Guidelines for Evaluation and Control of Lead-Based Paint Hazards* promulgated by the U.S. Department of Housing and Urban Development. The ordinance also identifies prohibited practices that may not be used in disturbance or removal of lead-based paint. Any person performing work subject to the ordinance shall make all reasonable efforts to prevent migration of lead paint contaminants beyond containment barriers during the course of the work, and any person performing regulated work shall make all reasonable efforts to remove all visible lead paint contaminants from all regulated areas of the property prior to completion of the work.

The ordinance includes notification requirements, contents of notice, and requirements for signs. Notification includes notifying bidders for the work of any paint-inspection reports verifying the presence or absence of lead-based paint in the regulated area of the proposed project. Prior to commencement of work, the responsible party (owner or contractor) must provide written notice to the Director of Building Inspection of the location of the project; the nature and approximate square footage

of the painted surface being disturbed and/or removed; anticipated job start and completion dates for the work; whether the responsible party has reason to know or presume that lead-based paint is present; whether the building is residential or non-residential, owner-occupied or rental property; the approximate number of dwelling units, if any; the dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements; and the name, address, telephone number, and pager number of the party who will perform the work. (Further notice requirements include Sign When Containment is Required, Notice by Landlord, Required Notice to Tenants, Availability of Pamphlet related to protection from lead in the home, Notice by Contractor, Early Commencement of Work [by Owner, Requested by Tenant], and Notice of Lead Contaminated Dust or Soil, if applicable.) The ordinance contains provisions regarding inspection and sampling, and enforcement, and describes penalties for non-compliance with the requirements of the ordinance.

These regulations and procedures required as part of the San Francisco Building Code would ensure that potential impacts due to lead-based paint would be reduced to a level of insignificance. Therefore, no further mitigation is required.

Other potential hazardous building materials such as PCB-containing electrical equipment or fluorescent lights could pose health threats for demolition workers but would be mitigated by abatement as necessary. Mitigation is included in the project to reduce impacts of hazardous building materials (see Mitigation Measure No. 3c, p. 32).

Fire Safety

The City of San Francisco ensures fire safety primarily through provisions of the Building Code and Fire Code. The final building plans for any new residential project greater than two units are reviewed by the San Francisco Fire Department, as well as the Department of Building Inspection, to ensure conformance with these provisions.

Occupants of the proposed building would contribute to congestion if an emergency evacuation of the downtown area were required. Section 12.202(e)(1) of the San Francisco Fire Code requires that all owners of high-rise buildings (over 75 feet) "shall establish or cause to be established procedures to be followed in case of fire or other emergencies. All such procedures shall be reviewed and approved by the chief of division." Additionally, project construction would have to conform to the provisions of the Building and Fire Codes which require additional life-safety protections for high-rise buildings.

The proposed project would conform to these standards, which would include emergency procedures, high-rise life safety equipment and sprinkler systems throughout the building. In this way, potential fire hazards, including those associated with hydrant water pressure and emergency access, would be mitigated during the permit review process. Therefore, these issues would not result in a significant effect and will not be analyzed further in the EIR.

All potential health and safety issues related to building and soil contamination and remediation and other hazards would be reduced to a level of insignificance by mitigation measures included in the project (and identified herein as Mitigation Measure No. 3 on p. 31), or would be regulated by current laws and regulations; hence, these issues do not require further analysis and will not be discussed in the EIR.

| 13) <u>Cultural</u> . Could the project: | <u>Yes</u> | <u>No</u> | <u>Discussed</u> |
|--|-------------------------|-----------|------------------|
| (a) Disrupt or adversely affect a prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group; or a paleontological site except as a part of a scientific study? | _____ | <u>X</u> | <u>X</u> |
| (b) Conflict with established recreational, educational, religious or scientific uses of the area? | _____ | <u>X</u> | _____ |
| (c) Conflict with the preservation of buildings subject to the provisions of Article 10 or Article 11 of the City Planning Code? | <u>To be determined</u> | | |

Archaeological Resources

The project site contains an existing basement and the proposed project would include limited ground disturbance. Therefore, the possibility of encountering archaeological resources is low. Because the project site is located in a general area that is highly sensitive for prehistoric sites, the existence of subsurface cultural resources at the project site cannot be ruled out. Therefore, a mitigation measure has been included to address the possible disturbance of such subsurface cultural resources (see Mitigation Measure 4 on p. 32). With implementation of the mitigation measure, the potential to adversely affect subsurface cultural resources would be less-than-significant. This topic requires no further analysis, and will not be discussed in the EIR.

Historic Architectural Resources

The existing 949-961 Market Street buildings, constructed in 1909, are both Category V (Unrated, not Significant, nor Contributory Buildings) buildings as identified in Appendix E of Article 11 of the Planning Code. The buildings were also rated "B" (Major Importance) by the Foundation for San Francisco's Architectural Heritage. The buildings also have a rating of 3S (appears eligible for separate listing for the *National Register of Historic Places*) on the State Office of Historic Preservation database. The project site is two parcels to the northeast of the Market Street Theatre and Loft District which is listed on the *National Register of Historic Places*. With implementation of the project, the buildings located on the project site would be demolished. Demolition of the 949-961 Market Street building would be a potentially significant impact and requires further analysis in the EIR.

C. OTHER

| | <u>Yes</u> | <u>No</u> | <u>Discussed</u> |
|--|------------|---------------|------------------|
| Require approval and/or permits from City Departments other than the Planning Department, or Department of Building Inspection, or from Regional, State or Federal Agencies? | <u>X</u> | <u> </u> | <u>X</u> |

As discussed above, in addition to Conditional Use Authorization, the project would require issuance of a building permit from the Department of Building Inspection. The project would also require approval from the Department of Public Works and the Department of Parking and Traffic for the provision of new driveways and curb cuts, and the replacement of curbs, gutters and sidewalks (on Stevenson Street).

D. MITIGATION MEASURES

| | <u>Yes</u> | <u>No</u> | <u>N/A</u> | <u>Discussed</u> |
|---|-------------------------|---------------|---------------|------------------|
| 1) Could the project have significant effects if mitigation measures are not included in the project? | <u>X</u> | <u> </u> | <u> </u> | <u>X</u> |
| 2) Are all mitigation measures necessary to eliminate significant effects included in the project? | <u>To be determined</u> | | | |

The following are mitigation measures related to topics determined to require no further analysis in the EIR. The EIR will contain a mitigation chapter describing these measures, which are proposed as part of the project, and also include other measures which would be, or could be, adopted to reduce significant adverse effects of the project identified in the EIR.

Mitigation Measure No. 1 – Construction Air Quality

The project sponsor would require the contractor(s) to sprinkle the project site with water during demolition, excavation and construction activity; sprinkle unpaved exterior construction areas with water at least twice per day, or as necessary; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soil, sand or other such material; and sweep surrounding streets during demolition and construction at least once per day to reduce particulate emissions. Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor would require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose.

Mitigation Measure No. 2 – Geology

Geotechnical investigations by a California-licensed geotechnical engineer are included as part of the project. The project sponsor and contractor would follow the recommendations of the final geotechnical report(s) regarding any excavation and construction for the project. The project sponsor would ensure that the construction contractor would conduct a pre-construction survey of existing conditions and would monitor adjacent building(s) for damage during construction.

Mitigation Measure No. 3 – Hazards

- a. As part of the project, the sponsor would provide for the proper abandonment, removal, or closing-in place of the underground storage tank (UST) identified in the southeast corner of the existing structure in accordance with procedures and standards of the Department of Public Health (DPH). The DPH and the Department of Public Works would make the determination on decommissioning methods and insure compliance with current UST closure recommendations. Soil sampling adjacent to and/or beneath the UST, and as appropriate groundwater sampling, would be required, and based on the results of the soil samples, DPH would determine subsequent action such as site closure or additional investigation.

The project sponsor would provide for the necessary investigation to determine whether an electrical generator and related diesel storage tank or any other above ground or underground fuel storage tanks exist within a walled-off portion of the basement. In consultation with the DPH, the project sponsor would provide for the removal or proper abandonment of these items.

- b. To ensure that workers and the public are not exposed to any potential hazardous materials that may exist in the soil to be disturbed, the construction contractor would ensure that workers who are exposed to soil contact take appropriate safeguards, such as wearing rubber gloves, and other safeguards as may be deemed necessary by DPH. In addition, the contractor would ensure that soil disturbed through construction activities be contained within the immediate area by means such as washing workers' shoes and washing earthmoving equipment (using recycled water as described in Mitigation Measure No. 1) prior to workers and equipment leaving the area of soils disturbance. Other dust control measures included in Mitigation Measure No. 1 would also serve to prevent the dispersion of potentially contaminated soil.
- c. The project sponsor would ensure that building surveys for PCB-containing equipment (including elevator equipment), fluorescent light ballasts, electrical generators, hydraulic oils, and lead-based paint are performed prior to the start of renovation. Hazardous materials discovered during these surveys would be abated according to federal, State, and local laws and regulations. Asbestos-containing materials would be removed and disposed of or encapsulated prior to demolition of the building. Interior friable asbestos-containing materials and any non-friable materials that may be rendered friable would be removed with proper engineering controls designed to prevent fiber release prior to demolition. All asbestos abatement and encapsulation procedures would be performed in accordance with applicable federal and State guidelines. Following removal, friable asbestos containing construction materials must be transported with a uniform hazardous waste manifest to a Class I landfill, or, in small quantities to an approved household hazardous waste transfer station. Equipment identified as containing PCB oils would be removed and properly disposed. Demolition activities that disturb exterior surfaces containing lead-based paint would comply with Chapter 36 of the San Francisco Building Code for the identification, safe work practices, proper removal methods, and notification.

Mitigation Measure No. 4 – Archaeological Resources

Should evidence of archaeological resources of potential significance be found during ground disturbance, the project sponsor would immediately notify the Environmental Review Officer (ERO) and would suspend any excavation which the ERO determined could damage such archaeological resources. Excavation or construction activities which might damage discovered cultural resources would be suspended for a total maximum of four weeks over the course of construction.

After notifying the ERO, the project sponsor would select an archaeologist to assist the Office of Environmental Review in determining the significance of the find. The archaeologist would prepare a draft report containing an assessment of the potential significance of the find and recommendations for what measures should be implemented to minimize potential effects on archaeological resources. Based on this report, the ERO would recommend specific additional mitigation measures to be implemented by the project sponsor.

Mitigation measures might include a site security program, additional on-site investigations by the archaeologist, and/or documentation, preservation, and recovery of cultural materials. Finally, the archaeologist would prepare a draft report documenting the cultural resources that were discovered, an evaluation as to their significance, and a description as to how any archaeological testing, exploration and/or recovery program was conducted.

Copies of all draft reports prepared according to this mitigation measure would be sent first and directly to the ERO for review. Following approval by the ERO, copies of the final report(s) would be sent by the archaeologist directly to the President of the Landmarks Preservation Advisory Board and the California Archaeological Site Survey Northwest Information Center. Three copies of the final archaeology report(s) shall be submitted to the Office of Environmental Review, accompanied by copies of the transmittals documenting its distribution to the President of the Landmarks Preservation Advisory Board and the California Archaeological Site Survey Northwest Information Center.

E. ALTERNATIVES

The EIR will analyze alternatives to the project that could reduce or eliminate any significant environmental effects. At a minimum, the No Project Alternative and a Preservation Alternative will be considered.

F. MANDATORY FINDINGS OF SIGNIFICANCE


| | <u>Yes</u> | <u>No</u> | <u>Discussed</u> |
|--|------------|-----------|------------------|
| 1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or pre-history? | _____ | <u>X</u> | _____ |
| 2) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? | _____ | <u>X</u> | _____ |
| 3) Does the project have possible environmental effects which are individually limited, but cumulatively considerable? (Analyze in the light of past projects, other current projects, and probable future projects.) | _____ | <u>X</u> | _____ |
| 4) Would the project cause substantial adverse effects on human beings, either directly or indirectly? | _____ | <u>X</u> | _____ |

With the exception of historic architectural resources, shadow, wind and transportation, all items on the Initial Study Checklist have been checked "No," indicating that, upon evaluation, staff has determined that the proposed project could not have a significant adverse environmental effect. Several of those Checklist items have also been checked "Discussed," indicating that the Initial Study text includes discussion about those particular issues. For all of the items checked "No," without discussion, the conclusions regarding potential significant adverse environmental effects are based upon field observation, staff experience and expertise on similar projects, and/or standard reference material available within the Department, such as the Department's *Guidelines for Environmental Review: Transportation Impacts*, or the California Natural Diversity Data Base and maps, published by the California Department of Fish and Game. For each checklist item, the evaluation has considered the impacts of the project both individually and cumulatively.

G. ON THE BASIS OF THIS INITIAL STUDY:

- ☐ I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared by the Department of City Planning.
- ☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because the mitigation measures, numbers , in the discussion have been included as part of the proposed project. A NEGATIVE DECLARATION will be prepared.
- ☒ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

DATE: 4/16/01


 PAUL MALTZER
 Environmental Review Officer
 for
 GERALD G. GREEN
 Director of Planning

● CHAPTER X

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